599.

SUPREME COURT OF THE UNITED STATES.

No. ~~111~~. 30.

GEORGE HARRISON AND THOMAS H. WHITE ET AL., APPELLANTS,

VERSUS

HENRY NIXON, SURVIVING EXECUTOR OF MATTHIAS ASPDEN, DECEASED.

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Pleas before the honorable the judges of the circuit court of the United States, in and for the district of Pennsylvania, in the third circuit at Philadelphia, of April sessions, A. D. 1828.

It is thus contained—

SAMUEL PACKER, a citizen of the State of New Jersey,
versus
HENRY NIXON, Esquire, a citizen of the State of Pennsylvania, executor of the testament and last will of Matthias Aspden, Esquire, late a citizen of the same State. } *In Equity.*

To the honorable the judges of the circuit court of the United States of the third circuit, in and for the eastern district of Pennsylvania.

On the equity side of the said court—

Humbly complaining, sheweth unto your honors, your orator Samuel Packer, a citizen of the State of New Jersey, that on the sixth day of December, in the year of our Lord one thousand seven hundred and ninety-one, one Matthias Aspden, esquire, a citizen of the State of Pennsylvania, made, and executed his last will and testament, bearing date the same day and year wherein, and whereby he gave and bequeathed all his estate, real and personal, to his heir at law; and of the said will, appointed his friends George Roberts, Abraham Liddon, and the President of the old bank at the time being, executors as by the said will, a true copy whereof is to this bill annexed, and which your orator prays may be taken as part thereof, will more fully appear after which, to wit: On the day of August, in the year of our Lord one thousand eight hundred and twenty four, the said Matthias Aspden departed this life, not having altered, cancelled, or revoked his said will, and the said George Roberts, and Abraham Liddon, being then deceased, and Henry Nixon, esquire, a citizen of the State of Pennsylvania, being then President of the Bank of North America, which bank, the testator meant and intended by the description of the old bank, the said Henry Nixon caused the said will, to be duly proved according to the laws of Pennsylvania, and having received letters testamentary thereon, took upon himself the burthen of the execution thereof, and hath possessed himself of all the goods, chattels, and other personal estate of the said testator, to a very large amount. And your orator expressly charges, that he is the true and only heir at law of the said Matthias Aspden, and that no other person than himself is entitled to claim or receive the benefit of the said devise and bequest. And he hath repeatedly applied to the said Henry Nixon, to have an account of all and singular the personal estate of the said Matthias Aspden, and where and how the same is situated, and what is the true and exact amount thereof, and to have the amount thereof paid to him, deducting therefrom the just and reasonable charges of the said executors. But now, so it is, may it please your honors, that the said Henry Nixon, combining and confederating with others to your orator unknown, whose names when discovered, he prays leave to insert with apt words to charge them as parties, denies that your orator is the heir at law said Mat-

thias Aspden, or that he is in any way entitled to the benefit of any of the testamentary dispositions of the said Matthias Aspden, and refuses to render him any account of the assets, and to pay him any part thereof; all which actings and doings of the said Henry Nixon, are contrary to equity and good conscience, and greatly to your orators prejudice.

In tender consideration whereof, and for as much as your orator cannot have plain, adequate, and complete remedy at law—to the end thereof, that the said Henry Nixon, and his confederates, when discovered, on their oaths or affirmations, full, direct, and true answers may make to all and singular the matters and things herein before set forth, as if they had been particularly interrogated thereon; and that the said Henry Nixon, may render and set forth a just and true account of all and singular the personal estate of the said Matthias Aspden, and where and how the same is situate, and whether there are any and what debts due, or claimed to be due therefrom, and may be decreed to pay to your orator the balance of the said monies in his hands belonging to the said estate, to which your orator is justly entitled, and that your orator may have such further relief in the premises, as is consistent with equity and good conscience, and to this honorable court shall seem meet. May it please your honors, to grant a writ of subpoena, to be directed to the said Henry Nixon, commanding him to be, and appear on the first day of the next session of this honorable court, then and there to answer all and singular the premises, and to stand to and abide such order and decree, in relation to the premises as to the court shall seem meet.

WILLIAM RAWLE, Jr.
for Complainant.

SAMUEL PACKER, a citizen of the State of New Jersey,
versus
HENRY NIXON, a citizen of the State of Pennsylvania, executor of MATTHIAS ASPDEN, esquire, a citizen of Pennsylvania.

In the circuit court of the United States in and for the district of Pennsylvania, and third circuit; April sessions, 1828, No. 1. In equity.

The answer of Henry Nixon, the defendant, to the bill of complaint of Samuel Packer, complainant.

This defendant saving and reserving to himself all benefit and advantage of exception, or otherwise, to the said bill of complaint for answer to the said bill, or to so much thereof, as this defendant is advised, it is material or necessary for him to make answer unto; answers, and says, that he believes, and admits, that Matthias Aspden, the testator in the said bill named, at Philadelphia, duly made and executed his last will and testament in writing, and three codicils thereto; all bearing date the sixth day of December, one thousand seven hundred and ninety-one; and that such will and codicils are in the words and figures or to the purport and effect in the paper annexed to the said bill set forth; but for greater certainty as to the date and contents of said will and codicils, this defendant craves leave to refer thereto. And this defendant says that the said testator deposited his said will and codicils, for safe custody, in the cashier's vault of the Bank of North America, at Philadelphia, known as the old bank, where the same were found after his decease. And the defendant believes it to be true that the said testator de-

parted this life, on or about the ninth day of August, one thousand eight hundred and twenty-four, in the city of London, without having revoked or altered his said will and codicils. And the defendant further answering, says, that George Roberts, and Abraham Liddon, in the said will respectively named, both died in the life-time of the said testator; that the defendant at the time of the death of the said testator, was the President of the Bank of North America, at Philadelphia, known as the old bank. And the defendant admits it to be true, that soon after the death of the said testator, to wit, on the nineteenth day of November, eighteen hundred and twenty-four, this defendant duly proved the said will and codicils, in the office of the register for the probate of wills and granting letters of administration for the city and county of Philadelphia, and received letters testamentary thereon. And that the defendant also duly proved the said will and codicils in the prerogative court of Canterbury, in England, and obtained probate thereto from that court. And this defendant admits it to be true, that as executor as aforesaid, he has possessed himself of all the personal estate and effects of the said testator in the United States, or of so much thereof, as has come to his knowledge; a true account of which is in the schedule hereto annexed, marked A. And this defendant has paid the charges of proving the said will, at Philadelphia, and other charges incident thereto, and six of the legacies (the others not having yet been claimed,) bequeathed by the said will, a true account of which payments is in the schedule hereto annexed, marked B; and that as executor, other charges must be incurred in managing and settling the estate; the amount of which cannot now be ascertained; and that this defendant, as executor, will be entitled to a commission for his services. And this defendant further answering, says, that he believes it to be true, that the said testator was, at the time of his death, (among other descriptions of property,) possessed of property in the English funds, that is to say, £4,000 bank stock; £10,000 three per cent. consolidated bank annuities; £12,500 reduced three and a half per cent bank annuities; and £3,500 new four per cent. bank annuities; and that the said testator, also, was possessed of East India stock, and also of South Sea stock to a considerable amount, that is to say, £3,000 East India stock and, £5,000 South Sea stock. And this defendant believes that the said testator died possessed of other personal property to a considerable amount; and particularly of the sum of £790 3*s.* 5*d.*, in the hands of his bankers, Messrs. Hoare, of London; but that no part of the property of the said testator, except that in the United States of America, as before stated, has come to the hands or possession of this defendant. That the whole of the property of the said testator, in England, is claimed by John Aspden, of London, as entitled thereto, under the devise of the said testator, as his heir at law; and that the said John Aspden has filed a bill in the court of chancery, in England, against this defendant, as executor of the said testator—and has, by the injunction of the said court, restrained and prevented this defendant and his agents from obtaining possession of any part of the property in England, of which the said testator died possessed, further than that his attorneys, S. Williams and J. Sterling, received the sum of £300, being one half year's dividend on £3,000 East India stock belonging to the testator. That the expenses of proving the will of the said testator, in England, amounted to £715 17*s.* 10*d.*, to pay which in part the said sum of £300 was applied by Messrs. Williams and Sterling, and the residue, £415 17*s.* 10*d.*, was paid out of the sum in the hands of Messrs. Hoare,

the testator's bankers. The said suit in chancery by the said John Aspden is yet pending and undetermined. This defendant has annexed to this his answer a copy of the bill filed by the said John Aspden, being exhibit C. And this defendant further answering says, he does not know, and is unable to answer from his belief or otherwise, whether the said testator left the complainant his heir at law, or whom he left his heir at law. But this defendant further answering says, that the said John Aspden, of London, claims to be heir at law, and as such entitled to the residue of the said testator's property; and that there are many persons residing in the United States of America, who claim to be next of kin to the said testator, and as such to be entitled to distributive shares of the estate. That this defendant is not able from his own knowledge to name all the persons who so claim to be next of kin, but that he has annexed to this his answer a schedule marked D, which he prays may be taken as part of his answer, containing the names of some of the persons so claiming to be next of kin, and the manner in which they, or some of them, have alleged to this defendant they are connected with the said testator. This defendant further answering says, that three suits have been instituted against him as executor of the said testator in the District Court of the city and county of Philadelphia, by persons claiming to be next of kin to the said testator, to wit, one to December term, 1826, by Stacy Kirkbridge and Sarah his wife, late Sarah Hammett; another to the same term, by James Packer; and the third to September term, 1827, by Job Packer, which suits are still pending and undetermined. And this defendant further answering says, that he can neither admit nor deny that the said testator was a citizen of Pennsylvania, as alleged in the said bill. That from information he believes that the said Matthias Aspden, the testator, was born in or about the year 1756, at Philadelphia, then being the place of residence of his parents; that he continued to reside there, and afterwards was engaged in business at Philadelphia as a merchant, with some success, before he was twenty-one years of age. Upon the breaking out of the war between Great Britain and America, in the year 1776, or some time in that year, being still a minor, he went to England, with what view this defendant from his own knowledge is not able to say, but he believes that he went with an impression that the power of Great Britain must soon prevail in putting down the resistance made in America. That the said testator subsequently came several times to the United States of America and invested large sums there in the public or government stock, or on other securities; that he made his will and the codicils thereto, at Philadelphia, the place of his birth, and deposited them in the bank there; but whether after so returning to the United States of America, the testator went back to England as his home, or only for the purpose of superintending his property; and whether the testator did in fact change his domicil, this defendant (save and except as appears by the facts) doth not know, and is unable to answer. But this defendant believes that the said testator, when in England, considered himself as an alien, and as such claimed to have returned the tax taken from his dividends while he was absent from England, according to the provisions of the law exempting aliens from the tax if not resident in England. That he died in King street, Holborn, London. And this defendant says that he submits to the judgment of the court, whether, upon the true construction of the said will of the said testator, the next of kin of the said testator are entitled under the same to take the residue of the personal estate and effects of the said testator, or whether the complainant,

if he be the heir at law, and if not, whether any other person as heir at law of the said testator, is entitled to take the same under the said will as such heir at law. And this defendant submits to act as this honorable court shall direct, being indemnified and paid his costs, charges, and expenses therein. And this defendant denies all combination and confederacy with which he is charged in and by the said bill, without this, that, &c.

HENRY NIXON.

Sworn to, this third day of October, eighteen hundred and twenty-eight, before me, one of the aldermen of the city of Philadelphia.

WILLIAM MILNOR, *Alderman.*

Schedule A, referred to in the preceding answer.

Account of the personal estate and effects in America, of Matthias Aspden, deceased, which have come to the knowledge and possession of Henry Nixon, his executor.

In three per cent. stock of the United States, -	$68,632 01
In seven per cent. stock of the United States, -	10,000
Twenty shares of stock of the Bank of the United States,	2,000
Cash received for back dividends in loan office, to Jan. 1st, 1825,	2,669 19
Cash received for back dividends from the Treasury of the United States, to January 1st, 1825, - - -	1,994 06
Cash received from S. Girard, being balance of his account with the testator, - - - - -	361 89
Cash received, being dividends on Government stock from January 1st, 1825, to April 5th, 1826, - -	3,793 58
Cash received, being dividends of stock of the Bank of the United States from January 1st, 1825, to April 5th, 1826,	160
Cash received, being dividends on Government stock from April 5th, 1826, to July 5th, 1828, - - - -	4,765 12
Cash received, being dividends of stock of the Bank of the United States from April 5th, 1826, to July 5th, 1828,	310
Cash received for interest on notes discounted, - -	663 60
Cash received from S. Girard, for extra dividends from old Bank of the United States, - - - -	160
	$95,509 45

Note.—Of the above sum of $95,509 45, there remains in the Treasury of the United States the certificates for the sum of $10,277 71 of three per cent. stock of the United States, and the certificates for the sum of $9,800 of the same having been lost or mislaid during the testator's life time, are not in the possession of his executor. The interest on both these sums is paid to the executor, and new certificates may, it is believed, be obtained. The sum of $10,000 of seven per cent. United States stock has been paid off by the Government. The sum of $9,000 was re-invested in six per cent. United States stock, which, after deducting the premium and brokerage, produced $8,836 84, which amount has since been paid off.

Schedule B, referred to in the annexed answer.

Account of payment made by Henry Nixon, executor of the will of Matthias Aspden, deceased.

Paid to Asher Hartley, a son of Benjamin Hartley, deceased, his legacy,	$266 67
Paid to Rebecca Burroughs, a daughter of said Benjamin Hartley, her legacy,	266 67
Paid to Bathsheba Brick, another daughter of said Benjamin Hartley, her legacy,	266 67
Paid to William Hinchman, a son of Ann Hinchman, deceased, his legacy,	266 67
Paid to Joseph Hinchman, administrator of James Hinchman, who died after M. Aspden, a son of Ann Hinchman, his legacy,	266 67
Paid to —— Brick, another daughter of said Benjamin Hartley, her legacy,	266 67
Cash paid, expenses of proving the will in Philadelphia, and other charges incident thereto, including fees to counsel,	701 74
Cash paid, sundry incidental charges,	50 77
	$2,352 53

Schedule D, referred to in the annexed answer.

The following claim to be next of kin to the testator, Matthias Aspden, to wit:

I. The lineal descendants of Mary Harrison, the half sister of the testator, on the paternal side.

Those now claiming are—

1. George Harrison.
2. Thomas H. White.
3. Elizabeth McPherson.
4. The children of Mary Bronson.
5. Mary Harrison.
6. Rebecca McMurtrie.

They allege that they are related to the testator in the following manner:

Matthias Aspden, the father of the testator, married, as his first wife, Mary Watson, daughter of Jonathan Watson, of Elwither, of Lancashire county, England, and had issue one daughter, *Mary*, who intermarried with Henry Harrison, of Philadelphia, by whom she had the following children:

1. Mary, who married the Right Reverend William White.

She is dead having left three children:

1. Thomas H. White, living.
2. Elizabeth McPherson, widow of Wm. McPherson.
3. Mary Bronson, widow of Enos Bronson; she survived the testator, and died, leaving the following children:
   1. Mary Harrison Bronson.
   2. Ann Emily Bronson.
   3. Elizabeth White Bronson.
   4. Hetta Atwater Bronson.
   5. William White Bronson.
2. Henry, who died in the testator's life time, without issue.
3. Joseph, who died before the testator, without issue.

4. Ann, who married Paca, and died leaving one child; which died in infancy before the testator.
5. William, } twins, who died in infancy, during the life-time of the tes-
6. George, } tator.
7. Matthias, who married Rebecca Francis, and died, leaving two children, viz:

1. Henry, who married Elizabeth Francis, and died before the testator, leaving one child who is still living, viz: Mary Harrison.
2. Rebecca, who married James McMurtrie; she is living.
3. George Harrison, still living.

II. The lineal descendants of the brothers and sisters, of the half blood of the testator, on the maternal side; a part only of these have as yet claimed, viz:

1. The children of Roger Hartley, deceased.
2. Rebecca Burrough.
3. Esther Hartley.
4. Bathsheba Brick.
5. Elizabeth Brick.
6. The children of James Hartley, deceased.
7. The children of Mary Brick, deceased.
8. William Hinchman.
9. The children of James Hinchman, deceased.
10. The children of Ann Scull, deceased.
11. The children of John Hinchman, deceased.
12. Sarah Champion.
13. Anne Ellis.
14. John Zanes.
15. Isaac Zanes.
16. Samuel Zanes.
17. Mary A. Church.
18. Anne Worrell.
19. Rebecca Fowler.
20. The children of Isaac Kay, deceased.
21. The children of Matthias Kay, deceased.
22. The children of Elizabeth West, deceased.

They allege that they are related to the testator in the following manner. Rebecca, the mother of the testator, previous to her marriage with the testator's father, had been married to Roger Hartley, by whom she had several children, (hereafter named,) who were the brothers and sisters of the half blood of the testator. The said half brothers and sisters were—

1. Roger Hartley, he is dead, leaving children; they are said to be the following:

1. Benjamin, said to be living.
2. James, who died since the testator.
3. Roger, said to be living.
4. Thomas, dead, leaving issue.
5 Peter, dead, leaving issue.
6. John, said to be living.
7. Edward.
8. Rebecca, married to Mahloc Doan.
9. Jeannet, dead, without issue.
10. Martha, dead, leaving issue.

11. Bathsheba, wife of Thomas Adams, Columbiana county, Ohio.
2. James Hartley, he is said to be dead, without issue.
3. Benjamin Hartley, he is dead, leaving issue,
1. James Hartley, who died, leaving issue—number not known.
2. Mary Brick, who is dead, leaving children—their number not known.
3. Rebecca Burrough, now living.
4. Esther Hartley, said to be living.
5. Bathesheba Brick, now living.
6. Elizabeth Brick, now living.
4. Jannet Hartley, said to be dead, without issue.
5. Anne Hinchman, she is dead, leaving issue,
1. William Hinchman, living.
2. James Hinchman, living at testator's death—since dead.
3. Anne Scull, she is said to be dead, leaving issue—their number not known.
4. John Hinchman, said to be dead, leaving children—number not known.
6. Bathsheba Zanes, she is dead, leaving issue,
1. Sarah Champion, living.
2. Anne Ellis, living.
3. John Zanes, living.
4. Isaac Zanes, living.
5. Samuel Zanes, living.
7. Rebecca Kay, she is dead, leaving issue, viz.
1. Mary A. Church, living.
2. Anne Worrell, living.
3. Rebecca Fowler, living.
4. Isaac Kay, he is said to be dead, having left two children,
1. Mary, married to Kay.
2. Henrietta, also married to a person named Kay.
5. Matthias Kay, he is said to have died, leaving several children, who reside in the western country. Their names and number are not known.
6. Elizabeth West, she is said to be dead, and to have the following children:
1. Jane, now living and married to Joseph P. Hornor.
2. Mary, living and married to Whitton Evans.
3. Rebecca, who died unmarried.
4. John K. West, living.
5. Elizabeth, living and married to Samuel Nevins.
6. Harriet Ann, married to Dexter Stone, died leaving issue,
7. Thomas R. West, living.

III. Those who claim through the brothers and sister of the mother of the testator. Those who are known are—

1. Samuel Packer.

He alleges that he is related to the testator as follows:

The maiden name of the testator's mother was Rebecca Packer. She being the daughter of Philip and Rebecca Packer. Her eldest brother was Samuel Packer, deceased. His eldest son was Daniel Packer, deceased, whose eldest son is Samuel Packer, the claimant now living.

2. Those who claim through Rhody Packer, who they allege was the sister of the testator's mother. Rhody Packer married George Hammitt—both are now deceased.

They had several children, viz.

1. Joseph, who is dead, leaving children, viz.
1. Ann, who married and is dead, leaving a son, Joseph Lippincott.
2. George, who is dead, leaving a daughter, Leah Prichett.
3. Martha, who married and is now a widow, Martha Cole.
4. Lydia, who married and is now a widow, Lydia Blackwood.
5. Hannah, who married and is dead, leaving a daughter Maria Hayes.
6. John, who is living.
7. Keturah, who married and is now a widow, Keturah Schenck.
8. Sarah, now living, the wife of S. Kirkbride.
9. Joseph, now living.

2. John, who is dead, left the following children:

1. Thomas Hammitt,
2. John Hammitt,
3. Sarah Baxter,
4. Elizabeth Newton,
5. Anna Shinn,
6. Hepsala Hammitt,
7. Priscilla Brown,

} Of these it is not certainly known how many are now living; nor whether those who are dead left children.

3. Samuel, he is dead. The only child of his who is known is Sibilla Prichett.

4. Elias, he is dead, leaving a daughter, Rebecca Phillips.

3. Job Packer.

He alleges that Rebecca, the mother of the testator, had a brother named Philip Packer: that he was the eldest brother: that the said Philip Packer, and that the said Job Packer is his son. It is also alleged that the mother of the testator had three other brothers, viz.

James, Moses, and Aaron, and two sisters. Some of the descendants of James, have by counsel claimed as such; but have not stated the number of his children; nor what has become of them.

George Packer, of Fayette county, Pennsylvania, also claims to be one of the next of kin of the testator, on the part of his mother; but has not stated the manner in which he is related.

4. John Aspden, of the city of London, who has filed his bill in the court of chancery of England. He claims as grandson, and heir at law, of John Aspden, whom he alleges to have been the eldest brother of the father of the testator.

5. John Aspden, (also of England) who claims as the eldest son of Thomas, who he alleges was the eldest son of William, the eldest son of Thomas Aspden, the grandfather of the testator.

To the Right Honorable John Earl of Eldon, Lord High Chancellor of Great Britain:

Humbly complaining showeth unto your Lordship your orator, John Aspden, of Old street in the parish of St. Luke in the city of London, gentleman, the heir at law of Mathias Aspden, (the testator hereinafter named) that the said Mathias Aspden of King street, Holborn, London, was formerly a merchant in Philadelphia in North America, but quitted that place when the war broke out between this country and America in the year 1776, and came to and resided in this country until the time of his death hereafter mentioned, except that he went to America after the conclusion of the said

war, and at one or two other times, but only to transact or settle his affairs there, and always returned to this country as to his home, after such affairs were settled; and the said Mathias Aspden during his residence in this country as the place of his domicil, invested large sums of money in the purchase of stock and bank annuities in the funds of this country, and also in the funds of the East India and South Sea Companies; and the said Mathias Aspden departed this life on the 9th of August, 1824 (being then resident in King street, Holborn, aforesaid, and domiciled in this country;) and your orator further showeth unto your Lordship that the said Mathias Aspden in his lifetime, and at the time of making his will hereinafter mentioned was possessed of very considerable property, and in particular of considerable property in the English and American funds, and of various other kinds of personal estate and effects to a very considerable amount in the whole; and in his lifetime he duly made and executed his last will and testament in writing in the three codicils thereto, bearing date the 6th day of December, 1791, and which are in the words and figures following, viz. "These are to certify that I do hereby annul and revoke all my former wills, giving and bequeathing my estate, real and personal, to my heir at law, first paying all my just debts and funeral expenses, and the following legacies first to each of the children of my half-brother Benjamin Hartley deceased, that may be alive at my death, the sum of one hundred pounds to each, Pennsylvania currency, and to my half-sister Bersheba Zare, wife Elseathan Zare, the sum of £400 Pennsylvania currency, both the above living or did live near Haddonfield; and to my half-brother Roger Hartley, living at present in Lancaster county, the sum of 300 pounds of the like currency. Witness my hand, this 6th day of December, 1791, Mathias Aspden. "Philadelphia," Mathias Aspden. "Least any question should arise about the legitimacy of my birth, it is my will that my estate, real and personal, should go to the party who would be my lawful heir in case there might arise no doubt on that head. It is firmly believed by from the best information, that my birth was after marriage. Philadelphia, December 6, 1791. I do further give £100 currency to each of the children of my deceased half-sister Ann Hinckman, that may be living at my death. December 6th, 1791." "The last will of Mathias Aspden. I do hereby appoint my friends, Mr. George Roberts and Mr. Abram Liddon, with the president of the Old Bank at the time being, to be my executors to this my last will. Mathias Aspden." Note. My property in England is as follows: £12,500 in the 4 per cent. stock; £3,000 in the 5 per cent. stock; £1,800 in the three per cent. stock, as in and by the probate of the said will when the same shall be produced to this honorable court (reference being thereunto had) will appear; and your orator further showeth unto your Lordship, that the said testator afterwards departed this life on the 9th day of August, 1824, without having revoked or altered his said will, and without issue, he never having been married; and your orator further showeth unto your Lordship, that the said George Roberts and Abraham Liddon both died in the lifetime of the said testator, and that the president of the bank at Philadelphia, at the time of the death of the testator was Henry Nixon, esquire; and the said testator by the expressions in the third codicil to his said will, president of the Old Bank, meant the president of the bank at Philadelphia; and the said Henry Nixon soon after the death of the said testator, (viz. on the 9th day of November last) proved the said will in the proper ecclesiastical court at Philadelphia, and has lately also proved the same will in the proper ecclesiastical

court in this country, and has obtained probate thereof from the prerogative court of the Archbishop of Canterbury (bearing date the 27th July, now inst.) and thereby become the legal personal representative of the said testator; and the said Henry Nixon hath possessed himself of all the personal estate and effects of the said testator in America and elsewhere, except in this country, and which are much more than sufficient to pay and satisfy all the funeral and testamentary expenses, debts and legacies of the said testator, and also to leave a very considerable surplus; and your orator further showeth unto your Lordship, that the said testator was at the time of his death (among other descriptions of property) possessed of property in the English funds, that is to say, £4,000 bank stock, £10,000 three per cent. consolidated bank annuities, and £12,500 reduced three and a half per cent. bank annuities, and £3,500 new four per cent. bank annuities, and such stock and annuities are still standing in the books of the governor and company of the Bank of England, with an arrear of dividends thereon respectively; and the said testator also was possessed of East India stock, and also of South Sea stock to a considerable amount, that is to say, £3,000 East India stock, and £5,000 South Sea stock; and the said testator died also possessed of other personal estate and effects of various descriptions to a large amount in the whole, and particularly he had money in the hands of Messrs. Hoare of Fleet street, London, his brokers, to the amount of £790 *3s 5d*; and also securities and other effects; and your orator further showeth unto your Lordship that the said testator left your orator, his heir at law, and as evidence thereof, your orator showeth that Thomas Aspden of Simondstone, in Lancashire, was the common ancestor of both the said testator and your orator, and died many years ago (being before the birth of your orator who is now aged eighty-five years) having had issue twelve children, the eldest of whom was John Aspden, who died and was buried at Deptford, in Kent, in the year 1754, leaving issue only one son, viz. Andrew Aspden, who died and was also buried at Deptford, in the year 1771, leaving your orator, his only child and heir at law; and your orator further showeth unto your Lordship, that the name of the father of the said testator was Mathias Aspden, who was the third son of the said Thomas Aspden who was the common ancestor, and that the said Mathias Aspden, the father being resident in America, married there an American woman, whose Christian name was Rebecca, and had issue by her some time after the said marriage, an only child, viz. the said testator, and said Mathias Aspden, the father, died in or about the year 1765, in Philadelphia aforesaid, leaving the said testator his only lawful issue him surviving, so that upon the failure of issue of the said Mathias Aspden, the father, and of the said Mathias Aspden the testator, your orator (as the grandson and heir at law of the said John Aspden who was the eldest brother of the said Mathias Aspden the testator) became on the death of the said testator his heir at law; and your orator further showeth unto your Lordship, that he is advised and submits that as such heir of the said testator, he is entitled under the aforesaid will of the said testator, to the residue of the personal estate and effects of the said testator after payment of his funeral and testamentary expenses, debts, and legacies, and which residue amounts to a very large sum; and your orator further showeth unto your Lordship, that the said Henry Nixon (although he has proved the said will in this country) always has been and still is resident at Philadelphia aforesaid, in North America, and he has signed and sent over to Samuel Williams and John Sterling, both of the city of London, merchants, a general power of attorney to collect, get

in, and receive all the personal estate and effects of the said testator in this country, with a direction to them to remit to him, the said Henry Nixon, in America, all such personal estate and effects of the said testator, when and as soon as they are received by them, the said Samuel Williams and John Sterling, and the said Henry Nixon threatens and intends to misapply such personal estate and effects, and (instead of accounting with and paying to your orator the residue of the said testator's personal estate and effects, as the residuary legatee under the said will) to pay and apply the same in a manner which is in direct opposition to the said will; and your orator further showeth unto your Lordship, that he has caused notice of his aforesaid rights under the said will to be given to the said Samuel Williams and John Sterling, and has requested them not to receive or remit such personal estate and effects of the said testator to the said Henry Nixon, but the said Samuel Williams and John Sterling threaten and intend, under the said power of attorney, to sell out the said bank stock and bank annuities, and likewise the said India stock, and the said South Sea stock, and also to receive the money securities and effects of and belonging to the said testator at the said Messrs. Hoare, his bankers, and all the other personal estate and effects of the said testator in this country, and to remit the produce of the said stocks and annuities, and what he shall so receive in respect of the other personal estate and effects of the said testator to the said Henry Nixon, and the said governor and company of the Bank of England, and the East India Company and the South Sea Company intend respectively to permit the aforesaid respective transfers of such respective quantities of stock and annuities to be made by the said Samuel Williams and John Sterling, unless they are prevented from so doing by the order and injunction of this honorable court, although they have been respectively applied to by your orator not to permit such respective transfers; and the said Messieures Hoare likewise intend to pay over and part with and to the said Samuel Williams and John Sterling the money securities and effects of the said testator in their hands, unless restrained by the order of this honorable court from so doing. And your orator further showeth unto your Lordship, that it is alleged by the said Henry Nixon, and which your orator believes to be the case, that there are certain persons in America who claim to be next of kin to the said testator, as being brothers or sisters of his half-blood, or as being descended from them, and in that character claim to be entitled under the said will of the said testator to the residue of his personal estate and effects; but your orator further showeth, that (if such be the case) your orator is unable to set forth when such brother or sisters of the half blood (if any such) are living or dead, or if dead whether they have left any children or child, or who are, or is, their personal representatives or representative. And your orator further showeth unto your Lordship, that your orator is advised and humbly submits that upon the true construction of the said will of the said testator the next of kin of the said testator are not entitled under the same will, to take the residue of the personal estate and effects of the said testator, but that your orator is entitled to the same under the said will as the heir at law of the said testator; and your orator further showeth unto your Lordship, that under such circumstances your orator was in hopes the said Henry Nixon would have accounted with your orator for the residue of the personal estate of the said testator, after payment of his funeral and testamentary expenses, debts, and legacies. But now so it is, may it please your Lordship, that the said Henry Nixon, combining and confederating with the said defendants Samuel Williams and John Sterling, and with the said governor and company of the

banks of England, and with the honorable company of merchants trading to the East Indies, and with the honorable company of merchants trading to the South Seas, and with the said Messieures Henry Hoare, Hugh Hoare, Charles Hoare, and Henry Merrick Hoare, and to and with divers other persons at present unknown to your orator, but whose names, when discovered, your orator prays may be herein inserted with apt and proper matter, to charge them as parties hereto, and contriving how to injure and oppress your orator in the premises, positively refuses to account with and pay to your orator the residue and effects of the said testator, but threatens and intends to withdraw from this country, by means of his aforesaid agents, the said defendants Samuel Williams and John Sterling, all the personal estate and effects of the said testator in this country, and to apply the same contrary to the said will of the said testator. And your orator further charges and submits to this honorable court, that the said defendants the governor and company of the Bank of England, and the said East India Company, and the South Sea Company, ought to be respectively restrained by the order of this honorable court from permitting any transfer to be made by the said defendant Henry Nixon or the said defendants Samuel Williams and John Sterling, of the said respective stock and annuities of the said testator, standing in his name in their respective books; and that the said defendants, Messieures Hoare, ought likewise to be restrained from parting with the said money, securities, and effects of thesaid testator; and also that the said defendants, the governor and company of the Bank of England, should be ordered to transfer the aforesaid bank stock and bank annuities, and into the name of the accountant general of this honorable court in trust in this cause; and also, that proper directions should be given for the sale of the aforesaid East India stock and South Sea stock of the said testator, and that the money arising therefrom respectively should be invested in the purchase of three per cent. consolidated bank annuities in the name of the said accountant general in trust in this cause; and also, that the said defendants, Messieurs Hoare, should be directed to pay the money of the said testator, in their hands, into court, and that the same should be laid out in like manner. And your orator further charges and submits to this honorable court, that some proper person ought to be appointed by this honorable court to receive and get in all the other outstanding estate and effects of the said testator in this country, all which actings, doings, and pretences of the said confederates are contrary to equity and good conscience, and tend to the manifest wrong and injury of your orator in the premises, in consideration whereof and for as much as your orator is remediless in the premises by the strict rules of the common law, and cannot have adequate relief, except in a court of equity, where matters of this kind are properly cognizable and relievable. To the end therefore, that the said Henry Nixon (when he shall come within the jurisdiction of this honorable court,) the said Samuel Williams and John Sterling, the said governor and company of the Bank of England, the said East India Company, the said South Sea Company, and the said Messrs. Henry Hoare, Henry Hugh Hoare, Charles Hoare, and Henry Merrick Hoare, and their confederates when discovered, may, upon their several and respective oaths, according to the best and utmost of their several and respective knowledge, remembrance, information, and belief, a full, true, and direct, and perfect answer, make to all and singular the matters aforesaid, and that as fully as if the same were here repeated, and they particularly interrogated thereto; and more especially, that the said defendants may in manner aforesaid answer and set forth whether

the said testator, Mathias Aspden, was not formerly a merchant in Philadelphia, in North America, or at some, and what, other part, and whether he did not quit that country at the time hereinbefore in that behalf mentioned, or at some, and what, other time, and whether he did not reside in this country, or in some, and what, other country, until the time of his death, or until some, and what, other period, except at the intervals hereinbefore in that behalf mentioned, or at some, and what, other intervals; and whether (when he went to America at such intervals) he did not go thither only to transact or settle his affairs in America, or for some, and what, other purpose; and whether the said testator did not always return to this country as to his home after such affairs were settled, or how otherwise; and whether the said testator did not during such his residence in this country, and the place of his domicile, invest large, or some, and what, sums of money in the purchase of stock and annuities in the funds of this country, and also in the funds of the East India Company, and of the South Sea Company, or of some, and what, other public company or companies, and in some, and what, other securities; and whether the said testator did not depart this life in the month of August, 1824, or at some and what other time; and whether he was not at the time of his death resident in King street, Holborn, London, or at some other place; and whether he was not domiciled in this country at the time of his death; and whether the said testator, Mathias Aspden, was not in his lifetime, and at the time of making his will and codicils, possessed of very considerable; and particularly whether he was not possessed of considerable, and what, property in the said English and American funds, or some and which of them, and of various other and what kinds of personal estate and effects, to a very considerable, or some, and what amount in the whole; and whether the said testator did not in his lifetime duly make and execute his last will and testament in writing, and three codicils thereto, bearing date the 6th day of December, 1791, or some and what other date; and whether such will and codicils are not in the words and figures, or to the purport and effect hereinbefore in that behalf mentioned, or in some and what other words and figures, or to some and what other purport and effect; and whether the said testator did not afterwards depart this life at the time hereinbefore in that behalf mentioned, or at some and what other time; and whether he ever, and when, in any and what manner, altered or revoked his said will and codicil, or any part thereof; and whether he did not die without any or what issue; and whether he had ever and when been married; and whether the said George Roberts and Abraham Liddon did not both, or one, and which of them die in the lifetime of the said testator; and whether the president of the bank at Philadelphia aforesaid, at the time of the death of the said testator, was not the said defendant Henry Nixon; and whether the said testator did not, by the expressions in the said third codicil to his said will, "president of the old bank," mean the president of the bank at Philadelphia aforesaid, or how otherwise; and whether the said defendant Henry Nixon did not soon, and when, after the death of the said testator duly prove the said will and codicils in the proper court at Philadelphia, in America; and whether he has not also, and when, duly proved the same will and codicils in the proper ecclesiastical court in this country; and whether he has not obtained probate thereof from the prerogative court of Canterbury, and thereby become the legal personal representative of the said testator; and whether he has not possessed himself of all the personal estate and effects of the said testator, or some, and what part thereof, in America

and elsewhere, except in this country; and whether some are not much more than sufficient to pay and satisfy all the funeral and testamentary expenses, debts, and legacies of the said testator; and also, to leave a very considerable, or some, and what surplus; and whether the said testator was not at the time of his death, or at some other, and what time, among other descriptions of property, possessed of property in the English funds; and whether such property did not consist of such stock and bank annuities, and to such amount as is hereinbefore in that behalf mentioned, or of some and what other amount; and whether the said testator was not also possessed at the time aforesaid, or at some and what other time, of East India stock, and of South Sea stock to a considerable and what amount respectively; and whether such respective quantities of such respective stocks were not of such respective amount as is hereinbefore in that behalf mentioned, or of some and what other amount; and whether such respective quantities of such respective stock and annuities, or some and what part thereof are, or is not still standing in the name of the testator, or in the name of some and what other person or persons in the respective books of the said respective companies, or in the books of one and which of them; and whether the said testator did not also die possessed of other and what personal estate, to a considerable and what amount in the whole; and particularly whether he had not money to the amount of £790 3 5 in the hands of his banker, the said Messrs. Hoare, or monies to some other and what amount; and whether the said testator did not leave your orator his heir at law; and whether the said Thomas Aspden of Simondstone aforesaid, was not the common ancestor of the said testator, and your orator; and whether the said last named Thomas Aspden did not die at the time hereinbefore in that behalf mentioned, or at some and what other time; and whether he had not issue twelve children, or some and what other number of children; and whether the eldest of them was not the aforesaid John Aspden, or some and what other person; and whether the said John Aspden did not die and was not buried at Deptford aforesaid, or at some and what other place at the time hereinbefore in that behalf mentioned, or at some and what other time; and whether he did not leave issue only one son, that is to say, the said Andrew Aspden, or some and what other issue; and whether the said Andrew Aspden did not die, and was not also buried at Deptford aforesaid, at the time hereinbefore in that behalf mentioned, or at some and what other time; and whether he did not leave issue your orator his only child and heir at law, or some and what other child or children, *or some and what other child or children*, or some and what other person, his heir at law; and whether the name of the father of the testator was not Mathias Aspden, or some and what other name; and whether the said last named Mathias Aspden was not the third, or some and what other son of the said Thomas Aspden the common ancestor, or of some and what other person; and whether the said Mathias Aspden, the father, was not resident in America, and did not while he was there marry an American woman; and whether the Christian name of such American woman was not Rebecca; and whether the said Mathias Aspden, the father, had not issue by her after the said marriage an only child, namely, the said testator, or some and what other issue; and whether the said Mathias Aspden, the father, did not die in or about the year 1765, or at some and what other time, at Philadelphia, in North America, or at some and what other place; and whether he did not leave the said testator his only lawful issue, or any or what other issue him surviving; and whether upon failure of issue of the said Mathias Aspden,

the father of the said Mathias Aspden the testator, your orator as heir at law of the said John Aspden, the eldest brother of the said Mathias Aspden, the father, or in some or what other way, did not become, on the death of the said testator, his heirs at law, or who else is the heir at law of the said testator; and whether your orator as such heir at law of the said testator, or in some and what other character, is not entitled under the aforesaid will of the said testator to the residue of his personal estate and effects, after payment of his funeral and testamentary expenses, debts, and legacies; and whether such residue does not amount to a very large and what sum, and whether the said Henry Nixon has not always been and still is resident at Philadelphia aforesaid, or at some and what other place; and whether he has not, and when, signed and sent over to *to* the said defendants Samuel Williams and John Sterling, or to some and what other person or persons a general power of attorney, to collect, get in, and receive all the personal estate and effects of the said testator in this country, or to such purport, or to some and what purport, with the direction to them to remit to him, the said Henry Nixon, in America, all such personal estate and effects of the said testator, when and as soon as they are received by them, the said defendants, Samuel Williams and John Sterling, or to such purport and effect, or to some and what other purport and effect; and whether the said defendant Henry Nixon does not threaten and intend to misapply such personal estate and effects in America, and instead of accounting with and paying to your orator the residue of the said testator's personal estate and effects, as the residuary legatee under the said will, to pay and apply the same in a manner which is in direct opposition to the said will, or how otherwise; and whether your orator has not caused notice of his aforesaid rights, under the said will, to be given to the said Samuel Williams and John Sterling, and has not requested them not to receive or remit such personal estate and effects of the said testator, to the said Henry Nixon, or to such effect, or to some and what other effect; and whether the said defendants, Samuel Williams and John Sterling, do not threaten and intend, under the said power of attorney, or under some and what other authority to sell out the said bank stock and bank annuities, and likewise the said East India stock, and also the said South Sea stock, or some, or one, and which of them, or some and what part thereof; and also, to receive the money, securities, and effects of the said testator, at the said defendants Messrs. Hoare, his bankers, and all the other personal estate and effects of the said testator in this country, or of some and what part thereof, and also, what he shall receive in respect of the personal estate and effects of the said testator, to remit the said defendant Henry Nixon, or to some and what other person; and whether the said defendants, the governor and company of the Bank of England, and the said East India Company, and the said South Sea Company, or some, or one, and which of them do not intend respectively, to permit the aforesaid transfer of such respective quantities of stock and annuities to be made by the said defendants, Samuel Williams and John Sterling; and whether they, or some, and which of them have not been respectively applied to by your orator, not to permit such respective transfers, or some and which of them; and whether the said defendants, Messieurs Hoare, do not likewise intend to pay over to the said Samuel Williams and John Sterling, or to some and what other persons or person, the money, securities, and effects of the said testator in their hands; and whether it is not the case, that there are certain and what persons in America, who claim to be next of kin to the said testator, as being brothers or sisters of his half-blood

or as being descended from them in that character, claim to be entitled, under the said will of the said testator, to the residue of his personal estate and effects, and that the said defendant, Henry Nixon, may set forth the names, descriptions, and places of abode of all such claimants or claimant; and whether your orator is not unable to set forth whether there are such, and if so, whether such brothers or sisters of the half-blood are living or dead, or whether they have left any children or child, or who are, or who is their personal representatives or representative; and whether, upon the true construction of the said will of the said testator, the next of kin of the said testator, are entitled, under the same, to take the residue of the personal estate and effects of the said testator; and whether your orator is not entitled to the same under the said will, as the heir at law of the said testator, or in some and what other character; and whether, under such circumstances, your orator was not in hopes that the said defendant Henry Nixon, would have accounted with your orator for the residue of the personal estate of the said testator, after payment of his funeral and testamentary expenses, debts, and legacies, but whether he does not refuse so to do, and why, and for what reason; and whether the said defendant, Henry Nixon, does not threaten and intend to withdraw from this country, by means of his aforesaid agents, the said defendants Samuel Williams and John Sterling, or by some and what other means, all the personal estate and effects of the said testator in this country, or some and what part thereof, and to apply the same contrary to the said will of the said testator; and whether the said defendants, the governor and company of the Bank of England, and the said East India Company, and the said South Sea Company, ought not to be respectively restrained, by the order of this honorable court, from permitting any transfer to be made by the said defendant Henry Nixon, or the said defendants Samuel Williams and John Sterling, of the said respective stock and annuities of the said testator, standing in his name in their respective books; and whether the said defendants, Messrs. Hoare, ought not likewise to be restrained by like order from parting with the said money of the said testator in their hands, or some and what part thereof; and whether the said defendants, the governor and company of the Bank of England, should not be ordered to transfer the said bank stock and bank annuities, or some and what part thereof, respectively, into the name of the accountant general of this honorable court; and whether, also, the proper direction should not be given for the sale of the said East India stock and South Sea stock of the said testator, or some and what part thereof; and whether the money arising therefrom respectively, or some and what part thereof, should not be invested in the purchase of three per cent. consolidated bank annuities, in the name of the said accountant general, in trust in this cause; and whether the said defendants, Messrs. Hoares, should not be directed to pay the money of the testator in their hands, or some and what part thereof, into court; and whether the same, or some, and what part thereof should not be laid out in like manner; and whether some proper person ought not to be appointed by this honorable court to receive and get in all the other outstanding estate and effects of the said testator, in this country, and that the said defendant, Henry Nixon, may set forth an account of the personal estate and effects of the said testator, possessed by him, or by any person or persons, by his order, or for his use, and how and in what manner the same has been disposed of, and that an account may be taken by and under the direction of this honorable court of the personal estate and effects of the said testator, possessed or

received by or come to the hands of the said defendant Henry Nixon, or of any other person or persons, by his order, or for his use, or got in and possessed or secured in any way, since the decease of the said testator, and that such personal estate and effects may be applied in payment of the said testator's funeral and testamentary expenses, and debts, and legacies in a due course of administration, and that the residue of such personal estate and effects may be ascertained, and that your orator may be declared by this honorable court to be entitled upon the true construction of the said will as heir of the said testator, to such residue, and that such residue may be accordingly directed by this honorable court to be paid to your orator, and that in the mean time the said defendant Henry Nixon, and the said defendants Samuel Williams and John Sterling may be restrained by the injunction of this honorable court from collecting and receiving any part of the personal estate and effects of the said testator in this country, and particularly from selling or transferring the said sums of four thousand pounds bank stock, ten thousand pounds three pounds per cent. consolidated bank annuities, twelve thousand five hundred pounds reduced three and a half per cent. bank annuities, and three thousand five hundred pounds new four per cent. bank annuities standing in the books of the said governor and company of the Bank of England in the name of the said testator, and the said sum of three thousand pounds stock standing in the books of the said East India Company in the name of the said testator, and the said sum of five thousand pounds stock standing in the books of the said South Sea Company in the name of the said testator, and from receiving the dividends thereon respectively; and the said monies, securities and effects now in the hands of the said defendants Messrs. Hoare, as bankers of the said testator; and that the said defendants the governor and company of the Bank of England; and the said defendants the East India Company; and the said defendants the South Sea Company may be respectively restrained from permitting any transfers of such respective sums to be made; and that also the said defendants the governor and company of the Bank of England may be directed to transfer the said respective stock and annuities now standing in the name of the said testator in their books, and all dividends accrued thereon respectively into the name of the accountant general of this honorable court, in trust in this cause; and also, that proper directions may be given for the sale of the said stock respectively, standing in the name of the said testator in the respective books of the East India Company, and of the South Sea Company; and that the monies arising from such sale may, together with any other monies belonging to the estate of the said testator and paid into court, be laid out in the purchase of stock in the three per cent. consolidated bank annuities, in the name of the said accountant general. In trust in this cause, and that the said defendants, Messieurs Hoare, may be restrained from paying and delivering the said money, securities and effects of the said testator in their hands to the said defendant, Henry Nixon, or the said defendants, Samuel Williams and John Sterling; and that the said defendants, Messieurs Hoare, may be ordered to pay the said money of the said testator in their hands into court, and that the said defendants, Samuel Williams and John Sterling, may be restrained by the injunction of this honorable court from remitting any part of the personal estate and effects of the said testator in this country to the said defendant, Henry Nixon, and that some proper person may be appointed by this honorable court to receive and get in all other the outstanding personal estate and effects of the said testator, and for such further and other relief as to your

lordship shall seem meet, and the nature of his case may require. May it please your lordship, the premises considered, to grant unto your orator not only his Majesty's most gracious writ of injunction, issuing out of and under the seal of this honorable court, to restrain the said Henry Nixon from receiving and withdrawing from this country any of the personal effects of the said testator, and to restrain the said Samuel Williams and John Sterling from receiving or remitting the same estate and effects, or any part thereof, to the said Henry Nixon, and particularly restraining them, respectively, from selling or transferring the bank stock, three per cent. consolidated bank annuities, reduced three and a half per cent. bank annuities, new four per cent. bank annuities, East India stock, and South Sea stock, standing in the testator's name, and from receiving the dividends thereon respectively, and said moneys, securities, and effects in the hands of Messieurs Hoare, or any other the personal estate and effects of the said testator in this country; and, also, to restrain the said governor and company of the Bank of England, and the said honorable East India company and the said honorable South Sea company, respectively, from making or permitting to be made any transfer or sale of such stock and bank annuities, or any part of the same, respectively; and, also, to restrain the said Messieurs Hoare from paying over or parting with all or any part of the moneys, securities, and effects of the said testator in their hands, but also to grant unto your orator his Majesty's most gracious writ or writs of subpœna, to be directed to the said Henry Nixon, (when he shall be within the jurisdiction of this honorable court,) Samuel Williams, and John Sterling, the said governor and company of the Bank of England, the said honorable company of merchants trading to the East Indies, the said honorable company of merchants trading to the South Seas, the said Henry Hoare, Henry Hugh Hoare, Charles Hoare, and Henry Merrick Hoare, and the rest of the aforesaid confederates, when discovered, thereby commanding them, and every of them, on a certain day, and under a certain pain therein to be limited, personally to be and appear before your lordship in this honorable court, and then and there, upon their several and respective corporal oaths, to make a true, direct, and perfect answer to all and singular the premises, and, further, to stand to, perform and abide such order, direction, and decree therein as to your lordship shall seem meet; and your orator will ever pray, &c.

JNO. NEWLAND,

To the honorable the judges of the circuit court of the United States, third circuit in and for the eastern district of Pennsylvania.

The petition of the subscribers, citizens of the State of New Jersey, respectfully shows: That they are, as they firmly believe, entitled to have distribution made (among them as the parties contemplated in and by the will of Matthias Aspden, deceased; which will is set forth in certain proceedings instituted in this honorable court, consisting of a bill filed by Samuel Packer, against Henry Nixon, executor of Matthias Aspden, deceased; and the answer of the said Henry Nixon—the same being filed as No. 1, to April sessions, 1828, your petitioners are the children of Joseph Hammett, John H. Hammett, Samuel Hammett, and Elias Hammett, who were the sons of George and Rhody Hammett, the said Rhody, whose maiden name was Packer, having been the sister of Rebecca, the mother of the said Matthias Aspden the testator.) Your petitioners pray that they may be admitted as parties

to the said suit for the purpose of claiming the fund admitted by the executor to be in his hands; and that your honors may direct such inquiries to be made, as to their respective claims, as justice may require; and finally, that the said fund may be decreed to those to whom it may in justice and equity appertain. And your petitioners will ever pray, &c.

JOSEPH LIPPINCOTT,
LEAH PRICHETT,
MARTHA COLE,
LYDIA BLACKWOOD,
MARIA HAYS,
JOHN HAMMETT,
KETURA SCHENCK,
STACY KIRKLAND, in right of his wife SARAH,
} Children, and grandchildren, of Joseph Hammett, deceased.

THOMAS HAMMETT,
JOHN HAMMETT,
ELIZABETH NEWTON,
HEPSABA HAMMETT,
ANNA SHINN,
PRISCILLA BROWN,
SARAH BAXTER,
} Children of John H. Hammett, deceased.

SIBILLA PRICHETT, daughter of SAMUEL HAMMETT.
REBECCA PHILLIPS, daughter of ELIAS HAMMETT.

By J. R. INGERSOLL,
Their Solicitor.

February 16, 1829.
Endorsed.—"1829, Feb. 16, read and filed."

To the honorable the judges of the circuit court of the United States, third circuit in and for the eastern district of Pennsylvania.

The petition of the subscribers, one of whom is a citizen of the State of New Jersey, and the other of the commonwealth of Pennsylvania, respectfully shows: That they are, as they firmly believe, entitled to have distribution made among them as the parties contemplated in and by the last will and testament of Matthias Aspden, deceased; which will is set forth in certain proceedings instituted in this honorable court, consisting of a bill filed by Samuel Packer, against Henry Nixon, and the answer of the said Henry Nixon; the same being filed as No. 1, to April sessions, 1828. Your petitioners are the children of Bathsheba Zane, the said Bathsheba Zane, whose maiden name was Hartley, having been the sister of the half-blood of Matthias Aspden, the testator. Your petitioners pray that they may be admitted as parties to the said suit for the purpose of claiming the fund admitted by the executor, to be in his hands; and that your honors may direct enquiries to be made as to their respective claims, as justice may require; and finally that the said fund may be decreed to those to whom it may in justice and equity appertain. And your petitioners will ever pray, &c.

JOHN ZANE.
ISAAC ZANE.

Filed 15th May, 1829.

To the honorable the judges of the circuit court of the United States, third circuit in and for the eastern district of Pennsylvania.

The petition of George Harrison, a citizen of the State of Pennsylvania, respectfully shows: That he is, as he firmly believes, entitled to have distribution made to him as the party or one of the parties contemplated in and by the will of Matthias Aspden, deceased, which will is set forth in certain proceedings instituted in this honorable court, consisting of a bill filed by Samuel Packer, against Henry Nixon, executor of Matthias Aspden, deceased; and the answer of the said Henry Nixon, the same being filed as No. 1, to April sessions, 1828. Your petitioner is, and was at the time of the testator's death, the only surviving son of Mary Harrison, formerly Mary Aspden, only child of Matthias Aspden, the father of the testator, by a former marriage, and consequently the testator's sister of the half-blood. Your petitioner prays that he may be admitted as a party to the said suit, for the purpose of claiming the fund admitted by the executor to be in his hands; and that your honors may direct enquiries to be made as to his claim, as justice may require; and finally, that the said fund may be decreed to those to whom it may in justice and equity appertain. And your petitioner will ever pray, &c.

HOR BINNEY,
Solicitor for Petitioner.

1829, Nov. 7; read and filed, and ordered accordingly.

To the honorable the judges of the circuit court of the United States, third circuit, in and for the eastern district of Pennsylvania.

The petition of John Zane, a citizen of the commonwealth of Pennsylvania, and of Isaac Zane, a citizen of the State of New Jersey, respectfully shows, that they are, as they firmly believe, entitled to have distribution made among them as the parties contemplated in and by the last will and testament of Mathias Aspden, deceased, which will is set forth in certain proceedings instituted in this honorable court, consisting of a bill filed by Samuel Packer, against Henry Nixon, and the answer of the said Henry Nixon, the same being filed as No. 1 to April session, 1828.

Your petitioners are the children of Bathsheba Zane, the said Bathsheba Zane, whose maiden name was Hartley, having been the sister of the half-blood of Mathias Aspden, the testator. Your petitioners pray that they may be admitted as parties to the said suit, for the purpose of claiming the fund admitted by the executor to be in his hands, and that your honors may direct inquiries to be made as to their respective claims, as justice may require, and finally that the said fund may be decreed to those to whom it may in justice and equity appertain, and your petitioners will ever pray, &c.

JNO. L. NEWBOLD, *Solicitor pro Pet's.*

Filed 5th June, 1830.

June.—Read June 5th, 1830; and on motion and by consent of Mr. Rawle, jr., solicitor for complainant, it is ordered that the petitioner, John Zane, be entered on the docket and proceedings as one of the defendants, and Isaac Zane, the other petitioner, be so entered as one of the complainants.

To the honorable the judges of the circuit court of the United States, in and for the district of Pennsylvania.

The petition of Elizabeth McPherson, of the city of Philadelphia, widow, Thomas H. White, of the same city, merchant, and Ann Emily Bronson, Elizabeth White Bronson, Hetta Atwater Bronson, and William White Bronson, minor, children of Mary Bronson, deceased, by Thomas H. White, their lawful guardian, all of whom are citizens of the State of Pennsylvania, respectfully showeth:

That your petitioners are, as they firmly believe, entitled to have distribution made to them as parties contemplated in and by the will of Mathias Aspden, deceased, which will is set forth in certain proceedings instituted in this honorable court, consisting of a bill filed by Samuel Packer, against Henry Nixon, executor of Mathias Aspden, deceased, and the answer of the said Henry Nixon, the same being filed as No. 1, to April sessions, 1828. Your petitioners, Elizabeth McPherson and Thomas H. White, are and were, at the time of the testator's death, the sole surviving daughter and son of Mary White; and your petitioners, Ann Emily Bronson, Elizabeth White Bronson, Hetta Atwater Bronson, and William White Bronson were, with Mary Bronson, their sister, since deceased, unmarried and intestate, the sole surviving children of Mary Bronson, a deceased daughter of the said Mary White, who was a daughter of Mary Harrison, formerly Mary Aspden, only child of Mathias Aspden, the father of the testator by a former marriage, and consequently the testator's sister of the half blood. Your petitioners pray that they may be admitted as parties to the said suit, for the purpose of claiming the fund admitted by the executor to be in his hands, and that your honors will direct such inquiries to be made as to their claim as justice may require, and finally that the said fund may be decreed to those to whom it may in justice and equity appertain, and your petitioners will ever pray, &c.

CH. CHAUNCY, *Solicitor for Petitioners.*

Filed 11th October, 1830.

To the honorable the circuit court of the United States, for the eastern district.

The petition of Job Packer, a citizen of Pennsylvania, respectfully represents, that he claims, and believes himself to be entitled, to be the heir at law of Mathias Aspden, deceased, and as such is interested in the case of Samuel Packer against Henry Nixon, executor of the last will and testament of the said Mathias Aspden, now pending in the said court, and therefore prays to be made a defendant in the said case.

JOB PACKER.

By his attorney—

J. BOUVIER.

Read and filed, 23d October, 1830, and ordered accordingly.

To the honorable the judges of the circuit court of the United States, third circuit, in and for the eastern district of Pennsylvania.

The petition of Mary Harrison, a citizen of the State of Pennsylvania, infant, by her mother and testamentary guardian, Elizabeth Harrison, widow, also a citizen of the said State, respectfully showeth, that she is entitled

to have distribution made to her as the party or one of the parties contemplated in and by the will of Mathias Aspden, deceased, which will is set forth in certain proceedings instituted in this honorable court, consisting of a bill filed by Samuel Packer, against Henry Nixon, executor of Mathias Aspden, deceased, and the answer of the said Henry Nixon, the same filed as No. 1 to April sessions, 1828. Your petitioner is, and was at the time of the testator's death, the only child of Henry Harrison, then deceased, who was one of the two children, and the only son of Mathias Harrison, then also deceased, who was one of the sons of Mary Harrison, formerly Mary Aspden, the only child of Mathias Aspden, the father of the testator by a former marriage, and consequently the testator's sister of the half blood.

Your petitioner prays that she may be admitted as a party to the said suit, for the purpose of claiming the fund admitted by the executor to be in his hands, and that your honors will be pleased to direct such inquiries to be made as to her claim as justice may require, and finally that the said fund may be decreed to those to whom it may in justice and equity appertain, and your petitioner will ever pray, &c.

MARY HARRISON.

By her testamentary guardian—

ELIZABETH HARRISON.

Filed, 11th February, 1831.

To the honorable the judges of the circuit court of the United States for the third circuit, in and for the eastern district of Pennsylvania.

The petition of William F. Packer, a citizen of the State of Pennsylvania, respectfully showeth, that he is entitled to have distribution made to him as party or one of the parties contemplated by the will of Mathias Aspden, deceased, which will is set forth in certain proceedings instituted in this honorable court, consisting of a bill filed by Samuel Packer against Henry Nixon, executor of Mathias Aspden, deceased, and the answer of the said Henry Nixon, the same filed as No. 1 of April sessions, 1828. Your petitioner is the assignee of Job Packer, and claims by virtue of the said Job's assignment to him. Your petitioner therefore prays that he may be admitted as a party to the said suit, for the purpose of claiming the fund admitted by the said executor to be in his hands, and that your honors will be pleased to direct such inquiries to be made as to his claim as justice may require, and finally that the said fund may be directed to those to whom it may in justice and equity appertain, and your petitioner will ever pray, &c.

WILLIAM F. PACKER.

By his attorney—

J. BOUVIER.

Filed, 7th March, 1831.

To the honorable the judges of the circuit court of the United States, for the district of Pennsylvania.

The petition of Samuel Champion and Sarah his wife, and Ann Ellis, of Haddonfield, New Jersey, respectfully showeth, that your petitioners, as they firmly believe, entitled to have distribution made to them as parties contemplated in and by the will of Mathias Aspden, deceased, which will is set forth in certain proceedings instituted in this honorable court, consist-

ing of a bill filed by Samuel Packer against Henry Nixon, executor of Mathias Aspden, deceased, the same being filed as No. 1 to April sessions, 1828. Your petitioners, Sarah Champion and Ann Ellis, are, and were at the time of the testator's death, two of the surviving children of Bathsheba Zanes, formerly Bathsheba Hartley, one of the daughters of Rebecca Hartley, the mother of the testator by a former marriage, and consequently testator's sister of the half blood. Your petitioners therefore pray that they may be admitted to the said suit, for the purpose of claiming the fund admitted by the executor to be in his hands—that your honors will direct such inquiries to be made as to their claim as justice may require, and finally that the said fund may be decreed to those to whom it may in justice and equity appertain, and your petitioners will ever pray, &c.

HENRY CHESTER,
Solicitor for the Petitioners.

Read and filed, Oct. 24th, 1831.

To the honorable the judges of the circuit court of the United States, in and for the district of Pennsylvania:

The petition of Rebecca Burrough, Ashur Hartley, Bathsheba Brick, Samuel Brick, and Elizabeth, his wife, John Brick, Thomas Hartley, Edmund Brown, Mary Brown, Elisha Brown, Benjamin Brown, Thomas Brown, Chalkley Brown, and Israel Brown, all of whom are citizens of the State of New Jersey, respectfully, showeth: That your petitioners are, as they firmly believe, entitled to have distribution made to them, as parties contemplated in and by the will of Mathias Aspden, deceased, which will is set forth in certain proceedings instituted in this honorable court, consisting of a bill filed by Samuel Packer, against Henry Nixon, executor of Mathias Aspden, deceased, and the answer of the said Henry Nixon, the same being filed No. 1, to April sessions, 1828. Your petitioners, Rebecca Burrough, formerly Rebecca Hartley, Ashur Hartley, Bathsheba Brick, formerly Bathsheba Hartley, Elizabeth Brick, formerly Elizabeth Hartley, are and were at the time of the testator's death, children of Benjamin Hartley, who was a son of Rebecca Aspden, the mother of the testator, by a former marriage, and consequently, testator's brother of the half blood. Your petitioner, John Brick, is and was at the time of the testator's death, the sole surviving son of Mary Brick, formerly Mary Hartley, a daughter of Benjamin Hartley, who was the son of Rebecca Aspden, the mother of the testator by a former marriage, and consequently, the testator's brother of the half blood. Your petitioner, Thomas Hartley, is and was at the time of the testator's death, the sole surviving son of James Hartley, who was one of the sons of Benjamin Hartley, the testator's brother of the half blood. And your petitioners, Edmund, Mary, Elisha, Benjamin, Thomas, Chalkley, and Israel Brown, are and were at the time of the testator's death, the sole surviving children of Mary Brown, formerly Mary Hartley, who was one of the daughters of Benjamin Hartley, who was one of the sons of Rebecca Aspden, the mother of the testator, and consequently, the testator's brother of the half blood. Your petitioners pray that they may be admitted as parties to the said suit, for the purpose of claiming the fund admitted by the executor to be in his hands; that your honors will direct such en-

quiries to be made as to their claim as justice may require, and finally, that the said fund may be decreed to those to whom it may in justice and equity appertain, and your petitioners will ever pray, &c.

H. CHESTER,
Solicitor for Petitioners.

Read and filed, October 24, 1831.

To the honorable the judges of the circuit court of the United States, third circuit in and for the eastern district of Pennsylvania:

The petition of John Aspden, a subject of the King of the United Kingdom of Great Britain and Ireland, respectfully shows: That he firmly believes, he is entitled as heir at law, and residuary devisee, to the residue of the estate devised in and by the will of Matthias Aspden, deceased; of which said will, the said Henry Nixon appears in this court as the executor in a bill filed against on the equity side thereof, by Samuel Packer, No. 1, to April sessions, 1828. That he hath already appeared before the master appointed by your honors, and exhibited evidence in support of his said claim, pursuant to public notice by the said master given, all which may appear by the report of the said master to be made to this honorable court.

Your petitioner, therefore, prays your honors, that he may be admitted on record as a party to the said suit, for the purpose of claiming the funds which now are, or may hereafter be, in the hands of the said executor, applicable to his said claim; and that your honors may examine his said claim in such manner, as equity and justice may require; and finally, that the said funds, so claimed by your petitioner, may be decreed to him as in justice and equity it appertains as he verily believes.

And your petitioner will ever pray, &c.

JOHN ASPDEN,
By his Solicitors,
JOHN SERGEANT,
JAMES M. BROOM.

Filed, November 26, 1831.

PACKER
vs.
NIXON.

May 18, 1829.—It is decreed and ordered, that it be referred to Thomas J. Wharton, as master, to examine and state at the next sessions, who are all the heirs and next of kin of Matthias Aspden, deceased, the testator mentioned in the bill; that the master have power to examine such witnesses as any of the parties may desire, or he shall think necessary, returning the depositions with his report to this court; and that he be authorized to make publication and advertisement, in case the heirs and next of kin cannot satisfactorily be discovered otherwise; and that he report on such other matters as the parties may desire, and he may deem material.

PACKER
vs.
NIXON.

Ordered, that commissions to take depositions in this case be issued, directed to such persons as the master to whom this case has been referred

shall appoint, and that said master shall direct on whom notice shall be given, and the length of the notice as to the time and place of taking such depositions, and that the master include the evidence returned in such depositions in his report to this court.

PACKER *vs.* NIXON.

On motion, ordered, that the petition of Joseph Lippincott, and others, be granted, and that the pl'ff. be admitted to amend the bill by adding the said Joseph Lippincott, and others, as complainants, and also to amend by adding the name of George Harrison, as defendant.

It is further ordered, that the petition of —— Zane, and —— Zane, be dismissed.

PACKER *vs.* NIXON.

The court enlarge the time for the auditor to receive evidence until the first Monday in October, 1831.

September 5, 1831.

PACKER *vs.* NIXON. *Circuit Court, October Session,* 1828. *In Equity.*

At the hearing of this case before me on this day the 11th of October, 1831, the counsel for William F. Packer, one of the parties to this cause offered in evidence the deposition of Job Packer, taken under a commission to Lycoming county. The deposition was objected to by the counsel for the complainant, on the ground that Job Packer was an interested witness, averring himself to be the heir at law of the intestate Matthias Aspden, and being also a party on the record. The counsel for William F. Packer, then produced an assignment by the said Job Packer, of all his right, title, and interest, in the said estate, to the said William F. Packer, which assignment was proved before me by a witness to have been duly executed. After hearing the counsel on each side, I was of opinion, that the witness was competent, and have accordingly admitted his deposition.

All which is respectfully submitted.

T. J. WHARTON, *Master.*

Philadelphia, October 11, 1831.

SAMUEL PACKER, a citizen of the State of New Jersey, *vs.* HENRY NIXON, Esq., a citizen of the State of Pensylvania, executor of the testament and last will of Matthias Aspden, Esq., late a citizen of the same State. *In the circuit court of the United States, in and for the district of Pennsylvania, in the third circuit, April sessions,* 1828. *No.* 1. *In Equity.*

Exceptions filed by the complainant to the report of the master:

1st. For that the master reports, that John Aspden, of Rossendale, or

Rawtenstall, in the county of Lancaster, in the kingdom of Great Britain, is the heir at common law on the paternal side of the said Matthias Aspden, the testator, which has not been proved.

2d. For that the master does not report that Samuel Packer, the complainant, is the heir at law of the said Matthias Aspden, the testator, within the meaning of his will.

WILLIAM RAWLE, Jr.
For SAMUEL PACKER,
the Complainant.

November 30, 1831.

Further exception: 3d. For that the master has received and acted upon the depositions of Richard Chippendale, John Wolstenholme, John Clayton, William Bentley, Richard Wolstenholme, Henry Barron, and Thomas Hardman.

WILLIAM RAWLE,
for the Complainant.

December 8, 1831.

If an exception should be filed on the part of William F. Packer, then I add the following:

4th. For that the master has admitted the deposition of Job Packer.
5th. That he has not returned the deposition of Samuel J. Packer.

W. RAWLE,
for the Complainant.

December 8, 1831.

PACKER *vs.* NIXON. } *In the Circuit Court, &c.*

William F. Packer files the following exception to the master's report, to wit:

That the master has erred in not reporting that Job Packer is heir at law of Matthias Aspden, the testator—ex parte materna.

J. BOUVIER,
for W. F. PACKER.

December 9, 1831.

PACKER *vs.* NIXON. } 1832, May 14th. Exceptions to the report of the master are overruled, and the report confirmed.

PACKER *vs.* NIXON. } 1833, May 14. Ordered, that it be referred to Mr. Wharton, the master, to take the depositions of such witnesses as may be brought before him by either or any of the parties, on ten days' notice.

613.

PACKER
vs.
NIXON.

And now, this twenty-sixth day of December, A. D. 1833, this cause coming on to be heard on the bill, answer, petitions, exhibits, proofs and master's reports, and the several parties having been fully heard by their counsel, and the court having taken time to consider of the same till this day: Do order, adjudge, and decree, that the defendant Henry Nixon, surviving executor of Matthias Aspden, deceased, do account for, pay over, transfer and deliver, to John Aspden, of Lancashire, in England, one of the said parties, the heir at law of the said Matthias Aspden, the entire balance of the personal estate of the said Matthias Aspden, which has come to his hands to be administered, after paying the debts and legacies of the said Matthias Aspden, and the costs of this suit, (which is hereby ordered to be paid out of the said fund.) And the court do further order, adjudge, and decree, that the bill and petitions, so far as they relate to the other complainants and petitions, who are claimants before the court, and all other claimants before the court however appearing, be dismissed without costs.

As to all parties who are claimants before the court by bill, petition, or otherwise, their complaint, petition, and proceedings, are dismissed without costs.

December 31, 1833. The following respondents pray leave to appeal from the decree pronounced in this case, and the same is allowed on security being given in five hundred dollars, to be approved by one of the judges of this court:

George Harrison, and Thomas H. White, Ann Emily Bronson, Elizabeth White Bronson, Hetta Atwater Bronson, and William White Bronson, minors by their guardian the said Thomas H. White, Mary Harrison, a minor by her guardian Elizabeth Harrison, Esther M'Pherson, and Elizabeth M'Pherson, children of Elizabeth M'Pherson, deceased.

MATTHIAS ASPDEN'S SUCCESSION.

Lists of the heirs and kindred of the whole and half blood of Matthias Aspden, the testator.

NOTE.—The names in *Italic* are of persons who died before Matthias Aspden, the testator. The numerals (1, 2, 3, &c.) prefixed to the names, denote the persons living at the death of the testator, and entitled as kindred. Where any doubt exists upon the evidence, either as to the fact of death, or to the Christian or surname of the person, a mark (*) has been added.

TABLE FIRST.—KINDRED OF THE HALF BLOOD.

THIRD DEGREE.	FOURTH DEGREE.	FIFTH DEGREE.
Children of Half Brothers and Sisters.	*Grandchildren or Half Brothers and Sisters.*	*Great Grandchildren of Half Brothers and Sisters.*
Matthias Harrison.	*Henry.*	1 Mary Francis Harrison.
	2 Rebecca, wife of Jas. McMurtrie.	
3 George Harrison.		
Mary Harrison married Bishop White.	4 Thomas H. White.	
	5 Elizabeth, m. *Wm. M'Pherson.*	
	6 Mary, m. *Enos Bronson.*	
7 Thomas Hartley.*		
8 Peter Hartley.*		
9 Rebecca Hartley* married —— Doan.		
10 Roger Hartley.*		

11 Edward Hartley.*
12 Martha Hartley.*
13 Barsheba Hartley*
married
Thomas Adams.

14 Ann Zane
married
Isaac Ellis.
15 Sarah Zane.
married
Samuel Champion.
16 John Zane.
17 Samuel Zane.
18 Isaac Zane.

John Hinchman.

19 Hannah, wife of Joseph White.
20 Elizabeth, wife of J. Hollinshed.
21 John Hinchman.
22 Ann Hinchman.
23 Jacob Hinchman.
24 Rebecca Hinchman.
25 William Hinchman.
26 Catharine, wife of Joseph Heritage.

Ann Hinchman
married
John Scull.

27 Joseph Scull.
28 Ann, wife of John Shannon.
29 John H. Scull.
30 Rebecca, wife of Thos. K. Stiles.
31 Ruth, wife of John Middleton.
32 William Scull

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TABLE FIRST.—Continued.

FOURTH DEGREE. *Children of Half Brothers and Sisters.*	FOURTH DEGREE. *Grand children of Half Brothers and Sisters.*	FIFTH DEGREE. *Grand children of Half Brothers and Sisters.*
33 William Hinchman.		
34 James Hinchman.		
35 Rebecca Hartley, married Thomas Burrough.		
Mercy Hartley married *John Brick.*	36 John Brick.	
James Hartley.	37 Thomas Hartley.	
	38 Elizabeth, m. Daniel Fortner.	
39 Asher Hartley.		
40 Barsheba Hartley married *John Brick.*		
41 Elizabeth Hartley married Samuel Brick.		
Mary Hartley married Samuel Brown.	42 Edmund Brown.	
	43 Mary Brown.	
	45 Elisha Brown.	
45 Mary Key		

married
John Church
Isaac Key.

Matthias Key.

53 Ann Key
married
Joseph Worrel.
Elizabeth Key
married
John West.

60 Rebecca Key
married
Nehemiah Fowler.

46 Mary, wife of Joseph Key.
47 Henrietta, wife of William Key.
48 Eliza, wife of *
49 Ann, wife of *
50 John Key.
51 Rebecca, wife of *
52 Mary Ann, wife of *

54 Jane, wife of Joseph P. Horner.
55 Mary, widow of Whitton Evans.
56 John K. West.
57 Eliza, wife of Samuel Nevins.
58 Harriet, wife of Dexter Stone.
59 Thomas West.

TABLE SECOND.

Kindred of the Whole Blood.—Maternal Line.

Maternal Grandfather.	Children of Maternal Grandfather.	Grandchildren of Maternal Grandfather.
Philip Packer married *Rebecca Jones.*	I. *Samuel Jones Packer.*	I. *Parthena*, m. *William Loper.* II. *Rebecca*, m. 1. ——— *Caldwell.* 2. ——— *Robinson.* III. *Ruth*, m. *James Duffield.* IV. *Daniel.* V. *Ellen*, m. 1. *Amos Bee.* 2. *Isaiah Hunt.* VI. *John Packer.* VII. Rhoda, m. *Samuel Borton.*
	II. *Rhoda*, m. *George Hammit.*	I. *Samuel Hammit.* II. *Benjamin Hammit.* III. *Thomas Hammit.* IV. *Rhoda*, m. *William Whitton.* V. *Theodosia*, m. ——— *Mannery.* VI. *John Hammit.* VII. *Joseph Hammit.* VIII. *George Hammit.* IX. *Sarah*, m. *John Wolohan.* X. *Elias Hammit.*
	III. Rebecca, m. 1st. *Roger Hartley.* 2d Matthias Aspden.	
	IV. *Sarah*, m. *John Carter.*	I. *Martha*, m. 1*st Wm. Nicholson.* 2*d Edward Taylor.*

II. *John Carter.*
III. *Samuel Carter.*
IV. *Jeremiah Carter.*
V. *Daniel Carter.*
VI. *Sarah*, m. 1*st John Stevenson.*
2*d Jonas Cattel.*
VII. *Joanna*, m. *Henry Paxton.*

Fourth Degree.	Fifth Degree.	Sixth Degree.
Children of maternal Uncles and Aunts.	*Grandchildren of maternal Uncles and Aunts.*	*Great Grandchildren of maternal Uncles and Aunts.*
Parthena Packer married *William Loper.*	1 Rhoda, wife of —— Bailey. 2 Uriah Loper. 3 Rachel Loper.	
Rebecca Packer married 1*st—Caldwell.* 2*d—Robinson.*	*Sarah*, wife of *Thomas Sims.*	4 Sarah, wife of —— Buckover.
Ruth Packer married *James Duffield.*	5 John Duffield. 6 Edward Duffield. 7 Rhoda, wife of James Reynolds.	
Daniel Packer.	8 Samul Packer, (the Complainant and Heir at Common Law, *exparte materna.*)	
	9 Susan, wife of Hugh Cox.	
	10 Elizabeth Packer.	
	11 Daniel Packer.	
	12 John Packer.	

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TABLE SECOND.—Continued

FOURTH DEGREE.	FIFTH DEGREE.	SIXTH DEGREE.
Children of maternal Uncles and Aunts.	*Grandchildren of maternal Uncles and Aunts*	*Great Grandchildren of maternal Uncles and Aunts.*
Ellen Packer married *1st Amos Bee.*	13 Packer Bee.	
	Ellen, m. 1st *Isaac Leeds.*	14 Isaac Leeds. 15 Charlotte, wife of *Jason Sickle.* 16 Ruth Leeds. 17 Mary Ann Leeds.
	m. 2d *Joseph Wiley.*	18 Hazlewood Wiley 19 —— Wiley.
	20 Rebecca, wife of Asa Vansciver.	
2d Isaiah Hunt.	21 Samuel Hunt. 22 Rhoda, wife of Jacob Sickler. 23 Isaiah Hunt.	
John Packer.	24 Edward E Packer. 25 James Packer. 26 Martha, wife of John Stewart. 27 Mary, wife of John Derrickson.	
28 Rhoda Packer married *Samuel Borton.*		
Samuel Hammit.	29. Sarah, wife of John Prickett. 30 William Hammit.* *Sarah*, m. *John Berryman.*	31 Rachel, widow of —— Glasgow.

	Jane, m. *Caleb Bickham.*	32 Issue of Jane Bickham 33 Two Children.*
Benjamin Hammit.	34 (Issue of Benjamin Hammit.)	
Thomas Hammit.	*Rachel*, m. *John Richards.*	35 John Richards. 36 William Richards.
Rhoda Hammit married *William Whitton.*	37 Mary, wife of Thomas Haines.	
Theodosia Hammit, married ——— *Mannery*,	38 Thomas Mannery.* 39 Rachel, m. John Green.*	
John Hammit.	40 Elizabeth, widow of ——— *Newton.* 41 Eves Hammit.* 42 Thomas Hammit. 43 John Hammit. 44 Hepzibah Hammit. 45 Amy, wife of Thomas Shinn. 46 Priscilla, wife of Peleg Brown, 47 Sarah, wife of Stacy Baxter.	
Joseph Hammit.	*Ann*, m. Abraham Lippincott.	48 Joseph Lippincott.
	49 Martha, widow of *Wm. Cole.*	
	George Hammit.	50 Leah, wife of Aaron Prickett.
	51 Lydia, widow of ——— *Blackwood.* 52 John Hammit. 53 Keturah, widow of *Court Schenck.* 54 Sarah, wife of Stacy Kirkbride. 55 Joseph Hammit.	
	Hannah, m. *Joseph Hays.*	56 Mariah Hays.

FOURTH DEGREE.	FIFTH DEGREE.	SIXTH DEGREE.
Children of maternal Uncles and Aunts.	*Grandchildren of maternal Uncles and Aunts.*	*Great Grandchildren of maternal Uncles and Aunts.*
George Hammit.	*Keziah*, m. *Jesse Vickers.*	57 David Vickers. 58 Mary Vickers. 59 Phœbe Vickers. 60 Hannah Vickers. 61 Sarah Vickers.
	62 Mary, widow of ——— *Wood.*	
	63 Daniel Hammit.*	
Sarah Hammit married *John Wolohan.*	64 Rhoda m. Wm. Sweaton.* 65 Amy, widow if *Isaac Ivens.*	
	66 John Wolohan.	
	60 Jacob Wolohan.	
	68 Rhoda, widow of *Aaron Powell.*	
	Mercy, m. 1*st Isaac Hillman.*	69 Ellis Hillman. 70 Mary Ann, wife of —— Sloan. 71 Amy Hillman. 72 Martha Hillman.
	Mercy m. 2d John Mull.	73 Emmeline Mull.
Elias Hammit.	74 Levi Hammit. 75 Thomas Hammit.	
	76 Rebecca Hammit.	
	77 Ann, wife of Michael Rhinehart.	

Martha Carter married
1st *William Nicholson.*
2d *Edward Taylor.*
John Carter.

78 Martha, wife of Jacob Shaw.*

Elvery, m. *Cornelius M' Dermot.*
79 Priscilla M'Dermot.
80 Ann M'Dermot.*
81 John M'Dermot.*

82 Sarah m. *Isaac Hewitt.*
Joanna m. *John Wallender.*
83, 84, 85 Two sons and a daughter, names unknown.*

Samuel Carter.
86 Aaron Carter.*
87 Jonathan Carter.*
88 Joseph Carter.*

John Carter.
89 Priscilla Carter.*
90 Catharine Carter.*
91 Mary Carter.*
92 Ann Carter.*

Edward Carter.
93 James Carter.*
94 Sarah, wife of Samuel Watson.

Samuel Carter.
Jeremiah Carter.

95 Christiana Carter.*
Amy m. *Nathan Ward.*
96 Amy Ward.
97 Sarah Ward.
98 Hannah, wife of Samuel Easely.

Sarah m. *Abel Pearce.*
99 Ann, wife of Nehemiah Tubman.
100 Elizabeth, widow of *J. Johnson.*

101 Ann, widow of *George M' Kean*

Daniel Carter.
102 Nathan Carter.*
103 Bartholomew Carter.*
104 Daniel Carter.*
105 John Carter.*

TABLE SECOND.—Continued.

FOURTH DEGREE.	FIFTH DEGREE.	SIXTH DEGREE.
Children of maternal Uncles and Aunts.	*Grandchildren of maternal Uncles and Aunts.*	*Great Grandchildren of maternal Uncles and Aunts.*
	106 Jeremiah Carter.*	
	107 Martha m. John Buckler.	
	108 Elizabeth m. John Turner.	
	109 Ann m. *Andrew Sweaton.*	
Sarah Carter married 1 *John Stevenson.*	110 John Stevenson.	
2 *Jonas Cattel.*	111 Uriah Cattel.	
	David Cattel.	112 Sarah, m. *Ellis Parker.*
		113 Mary m. *Samuel Jennings.*
		114 Hannah, Wife of Jos. W. Chase.
		115 William Cattel *
		116 Isaac Cattel.*
		117 Jonas Cattel.
	Nathan Cattel.	118 Joseph Cattel.
		119 Nathan Cattel.
	120 Amos Cattel.	
	121 Jonas Cattel.	
	Amy m. *Judith Heritage.*	122 Elijah Heritage.
		123 Amos Heritage.
		124 Eli Heritage.
		125 Mark Heritage.
Joanna Carter married *Henry Paxton.*	126 Elizabeth m. Isaac Pederick.	
	127 John Paxton.	

TABLE THIRD.—*Kindred of the Whole Blood.—Paternal Line.*

Fourth Degree.	Fifth Degree.	Sixth Degree.
Children of Paternal Uncles and Aunts.	*Grandchildren of Paternal Uncles and Aunts.*	*Great Grand children of Paternal Uncles and Aunts.*
Thomas Aspden,	*Mary* m. *John Asworth,*	Issue of Mary Ashworth.*
	1 John Aspden, (Heir at Common Law.) 2 Andrew Aspden, 3 Matthias Aspden, *Nathaniel Aspden,*	Issue of Nathaniel Aspden.*
	4 George Aspden.	
Nathaniel Aspden,	Issue of Nathaniel Aspden.*	
Elizabeth Aspden, married ——— *Corless,*	Issue of Elizabeth Corless.*	
Mary Aspden, married *George Dyson.*	Issue of Mary Dyson.*	
Margery Aspden, married 1st *Cuthbert Haydock,* 2d *James Taylor.*	Issue of Margery Haydock or Taylor.*	
Ann Aspden, married *Lawrence Walmslye.*	Issue of Ann Walmsley.*	

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In the case of Matthias Aspden's succession.

SAMUEL PACKER, complainant *against* HENRY NIXON, Executor of MATTHIAS ASPDEN, deceased, defendant.	Circuit court, April session, 1828. No. 1. In equity.

To the honorable the judges of the circuit court of the United States for the eastern district of Pennsylvania.

I respectfully report: that in pursuance of the order of the court, made on the 18th day of May, 1829, in the above cause, by which I was directed to examine and state at the next session of the court who are all the heirs and next of kin of Matthias Aspden, deceased, the testator mentioned in the bill, I have been attended by the counsel of the parties, complainant and respondent, by the counsel of John Aspden, by the counsel of George Harrison, and of the heirs of Matthias Harrison, by the counsel of the heirs of Mrs. Mary White, by the counsel of John Zane and Isaac Zane, by the counsel of Joseph Lippincott, Leah Pritchett, Martha Cole, Lydia Blackwood, Maria Hays, John Hammett, Keturah Schenck, Stacy Kirkbride in right of his wife Sarah, (children and grandchildren of Joseph Hammett, deceased,) Thomas Hammett, John Hammett, Elizabeth New-Hepsiba Hammett, Ann Shinn, Priscilla Brown, Sarah Baxter, (children of John H. Hammett, deceased,) Sibilla Prickett, (daughter of Samuel Hammett,) Rebecca Phillips, (daughter of Elias Hammett,) Rhodo Borton, Jonas Cattel, Bartholomew Carter, Mary Jennings, Mark Heritage, Sarah Parker, Ann M'Kean, Isaac Pedrick, senr. Amos Cattel, Uriah Cattel, James Reynolds, Jacob Sickler, Edward Duffel, John Duffel, Daniel J. Packer, Hugh Cox, Elizabeth Nachbor, John Packer, Asa Vansciver, Daniel Carter, John Boqua, John Turner, Elizabeth Turner, Joseph Turner, Nathan Carter, John S. Carter and Daniel S. Carter, by the counsel of Job Packer and William F. Packer, by the counsel of Rebecca Borrough, Asher Hartley, Barsheba Brick, Elizabeth and Samuel Brick, John Brick, Thomas Brick, Edmund, Mary, Elijah, Benjamin, Thomas, Chalkley and Israel Brown, Sarah Champion and Ann Ellis, by the counsel of ——— Adams, by the counsel of the heirs of William Henchman, (excepting Joseph Henchman,) and of the children of ——— Zane, (excepting John and Israel,) by the counsel of Mary Church, and of Jane Horner, Mary Evans, John K. West, Eliza Nevins, and the children of Thomas West, and Harriett Stone, by the counsel of Joseph Worrell and Ann his wife, by the counsel of E. Borton and R. Borton, by the counsel of Mary Derrickson, and of Edward E. Packer, and by the counsel of Thomas Adams and Barsheba his wife, and of Edward Hartley, all which persons claim to be heirs or of kin to the testator, and I have heard their respective proofs and allegations.

That in pursuance of the said order of the court, by which I was authorized to make publication and advertisement in case the heirs and next of kin could not satisfactorily be discovered otherwise, on the 15th day of July, 1829, I caused the following advertisement to be published in the American Daily Advertiser, and in the American Sentinel, two daily newspapers print-

ed in the city of Philadelphia, and the publication to be continued therein twice a-week until the day of hearing.

"*Estate of Matthias Aspden, deceased.*

Whereas by a decree of the circuit court of the United States in and for the district of Pennsylvania, in the third circuit, bearing date the 18th day of May 1829, made in a certain cause in equity there depending, wherein *Samuel Packer* is complainant, and *Henry Nixon*, executor of the will of *Matthias Aspden*, deceased, is defendant, it is amongst other things referred to Thomas I. Wharton, Esq. as Master, to examine and report who are all the heirs and next of kin of *Matthias Aspden*, deceased, the testator mentioned in the said bill; *Notice* is hereby given to all persons claiming to be such heirs and next kin, that the depositions of witnesses will be taken at the office of the said master, No. 106, Walnut street, in the city of Philadelphia, on Thursday, the 6th of August next, at 10 o'clock in morning of that day; at which time and place they may attend, if they think proper.

T. I. WHARTON."

And on the 11th of February, 1830, I caused additional publication to be made in the same newspapers twice a week until the adjourned day of hearing, as follows:

"*Estate of Matthias Aspden, deceased.*

Whereas by a decree of the circuit court of the United States, in and for the district of Pennsylvania, in the third circuit, bearing date the 18th day of May, 1829, made in a certain cause in equity therein depending, wherein *Samuel Packer* is complainant, and *Henry Nixon*, executor of the will of *Matthias Aspden*, deceased, is defendant, it is amongst other things referred to Thomas I. Wharton, esq., as master, to examine and report who are all the heirs and next of kin of *Matthias Aspden*, deceased, the testator mentioned in the said bill. *Notice* is hereby given, to all persons claiming to be such heirs or next of kin, that the depositions of witnesses will be taken at the circuit court room in the hall of the Franklin Institute, in the city of Philadelphia, on Monday the first day of March next, at ten o'clock in the forenoon of that day, at which time and place they may attend if they think proper.

T. I. WHARTON."

That in pursuance of the order of the court made on the 5th November, 1829, by which it was ordered that commissions to take depositions be issued, directed to such persons as I should appoint, commissions were issued to the county of Lancaster, in the Kingdom of England, and to Lycoming county, in the State of Pennsylvania, directed to persons appointed by me, and such commissions having been returned, I have in compliance with the said order, included the evidence contained therein in this report.

That in pursuance of the order of the court made on the 19th day of May last, (1831,) by which I was directed to give public notice by advertisement published twice a-week for one month, in one daily newspaper of the city

of Philadelphia, I caused the following advertisement to be published on the 15th of June, 1831, in the American Daily Advertiser, a daily newspaper of the city of Philadelphia, and to be continued therein twice a week for one month.

"*In the case of Matthias Aspden's succession.*

Notice by order of the court is hereby given, that the master is directed to report at the October sessions, 1831, of the Circuit Court of the United States in and for the district of Pennsylvania, in the third circuit, who are all the next of kin of *Matthias Aspden*, deceased, entitled to distributive parts of his estate, and that all claimants must therefore submit their claims and proofs to the master, at his office, No. 106, Walnut street, in the city of Philadelphia, on or before Wednesday, the 10th day of August next.

T. I. WHARTON."

And having heard the counsel of the several parties claiming to be heirs or of kin to the said Matthias Aspden, and having examined and considered the evidence adduced by them respectively, I do find

That *Matthias Aspden*, the testator, died on or about the 9th day of August, 1824, in the city of London, and kingdom of Great Britain, having first made his will or testament in writing, with certain codicils thereto, as set forth in the bill and answer, leaving neither widow nor children, father nor mother, brothers nor sisters of the whole or half-blood, but leaving descendants of brothers and sisters of the half-blood, and descendants of his paternal grandfather, and also of his maternal grandfather.

That the said Matthias Aspden was born in or about the year 1756, in the city of Philadelphia, and was the only issue of the marriage of his father Matthias Aspden with Rebecca, the widow of Roger Hartly, and daughter of Philip and Rebecca Packer.

That his father Matthias Aspden the elder, was twice married; first to Mary Watson of Clivitcher, in the kingdom of England, by whom he had issue only one child, Mary, who afterward married captain Henry Harrison, and left issue three children, viz. George Harrison, Matthias Harrison, and Mary, who afterwards married the Rt. Rev. Bishop White.

That the grandfather of the testator on the paternal side was Thomas Aspden, of Simonstone, in the county of Lancaster, in the kingdom of England, who besides the said Matthias, had issue one other son named William.

That the said William Aspden, the paternal uncle of the testator, had issue six children, and that his first or eldest son was Thomas Aspden whose first or eldest son was John Aspden, now living in the forest of Rossendale, near Great Harwood, in the county of Lancaster, and kingdom of Great Britain.

That Rebecca, the mother of the testator, Matthias Aspden, previously to her marriage with Matthias Aspden the elder, had married Roger Hartley of Bucks county, in the state of Pennsylvania, by whom she left issue five children, viz. 1. Roger, 2. Bersheba, wife of Nathan Zane. 3. Ann, wife of William Hinchman. 4. Benjamin, 5. Rebecca, wife of John Kay.

That *Philip Packer*, the maternal grandfather of the testator, appears to have been twice married. By his first marriage, the evidence of which is not very positive or distinct, he had issue several children, whose names and history have not been explicitly stated in the testimony of the witnesses; and it is believed are not material to this inquiry. By his second marriage with *Rebecca Jones*, he had issue, besides the said *Rebecca Hartley*, mother of the testator, three children: 1. *Samuel Jones Packer.* 2. *Rhoda*, who married *George Hammit.* 3. *Sarah*, who married *John Carter;* whose descendants will be hereinafter stated.

Being directed, by the order of the court, to state "who are all the heirs and next of kin of the said Matthias Aspden," the counsel of the several claimants have requested me to report the conclusions which I have adopted, according to the following classification:

1. Who is the heir at law, on the *paternal* side, according to the common law?

2. Who is the heir at law, on the *maternal* side, according to the common law?

3. Who are the heirs or next of kin, according to the acts of assembly of this commonwealth, and their respective degrees of consanguinity?

4. Who are all the heirs or kindred of the said Matthias Aspden, and the relation in which they stand to him.

I accordingly report:

1. That *John Aspden*, of Rossendale, or Rawtenstall, in the county of Lancaster, in the kingdom of Great Britain, is the heir at common law, on the *paternal* side, of the said Matthias Aspden, the testator.

2. That *Samuel Packer*, of the State of New Jersey, the complainant in this cause, is the heir at common law, on the *maternal* side, of the said Matthias Aspden, the testator.

3 and 4. That the tables annexed hereto, contain the names of all the heirs or kindred of the testator, according to the evidence laid before me, distinguishing their respective degrees of consanguinity, *viz.*

Table No. 1, Contains the names and relationship of all the persons who are descended from the brothers and sisters of the testator of the *half blood.*

Table No. 2, Contains the names and relationship of all the persons who are descended from the *maternal* grandfather of the testator.

Table No. 3, Contains the names and relationship of all the persons who are descended from the *paternal* grandfather of the testator.

It is proper for me to add, that in consequence of the remote residence of some of the kindred of the testator, the evidence relating to their names and present existence, is not altogether satisfactory, but the facts relative to the several stocks and principal subdivisions of the family are established by the concurrent testimony of several intelligent witnesses.

And having been so requested, by the counsel of the complainant, I report further, that on the 10th day of May, 1768, *Rebecca Aspden*, of the city of Philadelphia, widow, and *Daniel Packer*, of Woolwich township, in the county of Gloucester, and province of New Jersey, by deed poll, reciting that the said *Rebecca* and *Daniel* were the only surviving children of *Rebecca Packer*, who was the only surviving daughter and issue of *Daniel*

Jones, one of the first adventurers and purchasers in the province of Pennsylvania, who was, in his life time, seized and possessed of, or entitled to, several city and liberty lots, and other tenements and tracts of land in the said province, and being so seized, &c. died intestate, and his estate in the premises descended to the said *Rebecca Packer*, and from her to the said *Rebecca Aspden* and *Daniel Packer*, in consideration of the natural love and affection which they respectfully bore unto *Matthias Aspden* and *James Hartley*, both of the city of Philadelphia, merchants, the sons of the said *Rebecca Aspden*, and nephews of the said *Daniel Packer*, conveyed to them the said *Matthias Aspden* and *James Hartley*, in fee, all their purports and shares in "all and singular the messuages, lands, lots, tenements, and hereditaments, located or unlocated in the said province of Pennsylvania, which were of the said *Daniel Jones*, and not by him disposed of in his life time, descended to his daughter, *Rebecca Packer*, and by her not disposed of, descended to the said *Rebecca Aspden* and *Daniel Packer*." I report, also, that *Matthias Aspden*, father of the testator, by his last will and testament, dated the 10th day of August, 1764, devised to the said *Matthias*, the testator, in fee, certain real estate in the provinces of New Jersey and Pennsylvania.

And having been so requested by the counsel of *John Aspden*, I annex to this my report, a certified copy of the said will of Matthias Aspden, father of the testator.

And in conformity with the order of the court, I return with this my report, the depositions taken by me of Bishop White, Barsheba Thompson, Eleanor Earick, Rhoda Borton, Abigail Lippincott, Rachel Hammit, John Gill, Rebecca Fowler, Catharine Dilks, John Paxton, Ann Marter, Phoebe Gibbs, Thomas Aspden, John Zane, John Keen, William Hinchman, James H. Maxwell, Edmund Ingham, John Constantine, Philip Carlan, Prudence Berryman, Joshua Middleton, Jacob Wolohan, Samuel W. Clement, Rhoda Powell, Elizabeth Hinchman, James Edgar, and Hannah Sophia Packer. And I also return the depositions of Richard Chippendale, John Wolstanholme, John Clayton, William Bentley, Richard Wolstanholme, Henry Baron, and Thomas Hardman, taken under the commission to England, and the deposition of Job Packer, taken under the commission to Lycoming county, in the State of Pennsylvania.

All which is respectfully submitted.

T. J. WHARTON, *Master.*

Philadelphia, Nov. 30th, 1831.

Will of Matthias Aspden, sen'r.

Be it remembered, that I, Matthias Aspden, of the city of Philadelphia, in the province of Pennsylvania, merchant, being advanced in years, and of sound and well disposing mind and memory, thanks be to God for the same, and all other his mercies, do make my last will and testament in manner the following, to say:

First, It is my will that all my just debts and funeral expenses be duly paid. And I do give unto my wife, Rebecca Aspden, the yearly sum of fifty pounds, current money of Pennsylvania, to be paid her during all the term of her natural life, in two days of payment in the year—the first half

year's payment to be made her that day come six months next after the day of my decease. And I do give her, my said wife, Rebecca, and her assigns, during her natural life, the new building at the east end of my large brick house in Haddonfield, in the western division of the province of New Jersey. And I do give and devise unto my son, Matthias Aspden, his heirs and assigns, for ever, all my messuages, tenements, lands, hereditaments, and estate in Haddonfield aforesaid, (the term before given my wife during her life in the new building only excepted.) And I do also give and devise unto my said son, Matthias Aspden, his heirs and assigns, for ever, all my messuage or tenement, and ground, on the east side of Delaware street, in the said city, wherein James Wallis now dwells, which extends from the said street to the utmost extent into the river Delaware, with the stores and wharf thereunto belonging. And also all my plantation and tract of land, in the county of Chester, in the province of Pennsylvania, with the rights and appurtenances to hold to him, my said son, Matthias Aspden, his heirs and assigns, for ever. To the payment of which fifty pounds per year to my said wife, during her natural life, I do charge my said son Matthias' lands and tenements. And I do give and devise unto Henry Harrison, of the said city, esq. and Mary, his wife, (my daughter,) all that my messuage or tenement and lot of ground thereunto belonging, situate on the north side of High street, in the said city, with the appurtenances; to hold to them their heirs and assigns, forever. And I do give and bequeath unto my niece, Mary Aspden, the sum of five hundred pounds, and one bed and furniture for one room and a kitchen. And I do give unto my nephew, Thomas Aspden, the sum of two hundred pounds. And I do give and bequeath unto my three nieces, Elizabeth, Margery, and Ann Aspden, the three daughters of my late brother, William Aspden, deceased, the sum of thirty pounds unto each of them. And the aforesaid legacies are to be of current money of Pennsylvania.

And I do give, devise and bequeath unto my said son, Matthias Aspden, all the rest, residue and remainder, of my money, goods, chattels, rights, credits, lands, tenements, and estate, real and personal, not before given or mentioned; to hold to him my said son, Matthias, his heirs, executors, administrators and assigns, forever. But if my said son, Matthias Aspden, shall happen to die under age, and without issue, then, and in that case and in no other, I do hereby desire and authorize my executors, and the survivors of them, to grant, bargain and sell all the aforesaid houses, lands, tenements, hereditaments, and real estate, hereby given or intended for my said son Matthias, unto such person or persons as shall purchase the same at public sale, and to execute and acknowledge a good and sufficient deed or deeds to the purchaser or purchasers thereof, his, her and their heirs and assigns forever. And the money arising by the aforesaid sales, and all other the money and personal estate, hereby given or intended for my said son Matthias, I would have divided into two equal parts, and one full equal part thereof I do give and bequeath unto the children of the said Henry Harrison, and Mary, his wife, namely, Joseph, Matthias, George, Mary, and Ann, in equal shares. And if any of them depart this life before they receive their part, the part of such decedent or decedents, to be for and go to the survivors or survivor of them equally; and the other one full equal half part or residue thereof, I do give and bequeath unto the children of my said deceased brother, William Aspden, namely, Thomas, Nathaniel, Eliza,

beth, Mary, Margery and Ann, in equal shares. And if any of them depart this life before they receive their part of such decedent or decedents, to be for and go to the survivors or survivor of them equally, (my niece Mary now dwells in Philadelphia, and the rest of my late brother William's children dwell in Great Harwood, in Lancashire, in Old England.) And I do hereby nominate and appoint my much esteemed friends, Joseph Saunders, Peter Reeve, Abraham Leddens, all of the said city of Philadelphia, merchants, together with my said son, Matthias Aspden, and my said niece, Mary Aspden, to be the executors and exccutrix of this my last will and testament. And it is my will and mind, that my said executors, and the survivors or survivor of them, in case of the decease of my said son, Matthias, under age, and without issue as aforesaid, shall either sell the real estate, or some part thereof, subject to the aforesaid fifty pounds per year, payable to my said wife, as aforesaid; or deduct as much money arising by the said sale, as will yield the aforesaid yearly sum of fifty pounds, being put to interest, which I desire and authorize to be put to interest, on good security, by my said executors and executrix, and the survivors of them, during the natural life of my said wife, for her use and benefit. And upon her decease, the same to be divided between the children of the said Henry Harrison and Mary his wife, before named, and the children of my late brother, William Aspden, before named, in such parts and manner, as before mentioned and directed. And it is my will, that what I have given or intended for my said wife, Rebecca Aspden, shall be in full and lieu of her dower or thirds of my estate. In witness whereof I, the said Matthias Aspden, the testator, have hereunto set my hand and seal, the tenth day of August, in the year of our Lord one thousand seven hundred and sixty-four.

MATTHIAS ASPDEN, [L. S.]

Signed, sealed, published and declared by the above named Matthias Aspden, the testator for, and as his last will and testament, in the presence of us, who, in his presence, and at his request, have set our names as witnesses of the same, the word ("issue,") being first interlined.

ABRAHAM KITE.
PAUL ISAAC VOTO.
JOSEPH STILES.

Philadelphia, August 26th, 1765, Then personally appeared, Joseph Stiles, Abraham Kite, and Paul Isaac Voto, the three witnesses to the foregoing will, and the said Paul Isaac, on oath, and the said Joseph Stiles and Abraham Kite, on their solemn affirmation, according to law, did declare, they saw and heard Matthias Aspden, the testator therein named, sign, seal, publish, and declare the same will for, and as his last will and testament, and that at the doing thereof, he was of sound mind, memory and understanding, to the best of their knowledge. Coram

BENJAMIN CHEW,
Register General.

Same day Abraham Leddens, Matthias Aspden, and Mary Aspden, (others absent) executors, were duly qualified, and letters testamentary granted unto them.

Commonwealth of Pennsylvania,

City and County of Philadelphia, ss.

I, John Humes, Esq. Register for the Probate of Wills and granting letters of administration, in and for the city and county of Philadelphia, in the Commonwealth of Pennsylvania, do hereby certify the preceding writing to be a true copy of the original last will and testament of Matthias Aspden, deceased, as well as the probate thereof, as filed and recorded in the Register's Office, for the city and county of Philadelphia.

Given under my hand and seal of office, this 26th day of September, A. D. 1831.

[L. S.] J. HUMES, *Register.*

In the case of Matthias Aspden's succession.

Depositions of witnesses produced, sworn, or affirmed, and examined in a certain cause depending in the circuit court of the United States in and for the District of Pennsylvania, in the third circuit, wherein Samuel Packer is complainant, and Henry Nixon, executor of the last will and testament of Matthias Aspden deceased, is defendant, before Thomas I. Wharton, a master of the said court, on Thursday the 6th day of August, A. D. 1829, and by adjournment on Friday the 7th, Tuesday the 11th, Wednesday the 19th of the same month, and on divers subsequent days, at the office of the said Thomas I. Wharton, in the city of Philadelphia, and by adjournment at the circuit court room in the said city; in pursuance of an order of the said court dated the 19th day of May, A. D. 1829, and of another order dated the 12th of November, in the same year, as follows, viz.

The right reverend William White, Bishop of the Protestant Episcopal church in the State of Pennsylvania, aged about eighty-one years, being duly sworn, deposes as follows:

I personally knew the late Matthias Aspden from my boyhood. I have seen his father. I was not acquainted with the family at that time. He resided in Arch street, between Second and Third. My wife was a granddaughter of Matthias Aspden the elder. She was a grand-daughter by the first marriage of Matthias Aspden the elder. He was twice married. I always understood that there was no other child by that marriage, than the mother of Mrs. White. I always understood and believed, that the late Matthias Aspden was the son by a second marriage with a widow lady of the name of Hartley. I never heard of any other child of that marriage, than the late Matthias Aspden. The mother of my wife, was married to Henry Harrison, commonly known as Captain Henry Harrison of this city. The eldest son of Captain and Mrs. Harrison was named Henry, who died in infancy. The second was Joseph, who died without issue. The third Matthias, who died a few years ago. The fourth was George Harrison, who is now living in the city of Philadelphia. He had no other sons to my knowledge. There were two daughters; my wife was one; her name was Mary. The other was a younger daughter, named Ann, who married Governor Paca, of Maryland. His christian name was William. Mrs. Paca died during our revolutionary war, and left one son, who died about a year after, without issue. Henry, the eldest son of Captain and Mrs. Harrison, died without issue. Mrs. White is deceased. All these persons whose deaths I have mentioned, died before Matthias Aspden the testator. Matthias Harrison, the son of Captain Henry Harrison, left issue; a son and

daughter. The son, whose name was Henry, died before the testator, and left issue, one daughter and a son. The son died without issue. The daughter is now living, an infant. The daughter of Matthias Harrison is Rebecca, the wife of James M'Murtrie. She is now living. The children of my wife, Mrs. White, are Thomas H. White now living, Elizabeth M'Pherson now living, Mary Bronson deceased, there were other children who died in their infancy, without issue. My daughter Mary married Enos Bronson, who is also deceased They left five children, Mary, Ann, Elizabeth, Hetty, and William White Bronson, who are all living. I knew Matthias Aspden, the testator, at the time he left the United States at the commencement of the American revolution, to go to England. I was in habits of personal intercourse with him at that time. I believe I know the object of his visit to Englnad. He went to England with the object of saving a ship which belonged to him, and which had been arrested there under an order in council which extended to all American vessels. This was probably a short time before the Declaration of Independance. He was in the habit of familiar intercourse with my family a short time before he went away. I was in habits of free communication with him, and he with me. He never communicated to me at that time, any intentions of changing his domicil. I know of no arrangement made by him for changing his domicil. I do not believe that it was his intention to change his domicil at that time. The first time that he returned to Pennsylvania, was previous to my visit to England in 1786. It must have been sometime between 1783 and October 1786. He was at least twice in Pennsylvania after 1786. I returned from England in April, 1787. During these occasions we had free intercourse with each other. In these interviews he never said any thing to me of his having changed his domicil. I think we were on such terms of intimacy, that it is probable if he had had such a purpose, he would have communicated it to me After the revolution, between the peace of 1783, and October 1786, he was desirous of remaining in this country, but became apprehensive for his personal safety, without any cause, as far as I could ascertain. I went with him to Mr. Ingersoll, to consult with him on the subject. Mr. Ingersoll was of opinion that he might remain with safety; notwithstanding which, the impression on Mr. Aspden's mind was not removed, and he went away from the State, and went to England. After my return from England, when Mr. Aspden was here, he resided with James Hartley, his half brother. Mrs. White was then living, and he visited intimately in my family.

Being cross-examined on the part of John Aspden, the son of Thomas Aspden, an English claimant, the witness says: To my knowledge Matthias Aspden the testator, never took the oath of allegiance to this country. I do not know that he ever did. He was decidedly opposed to the revolution. He was attained in consequence of not having returned to his country within the time limited by the proclamation of the supreme executive council. His alarm on which he consulted Mr. Ingersoll was of a political nature, relating to his absence from the country during the revolution. He did nothing during the revolutionary war, for which he could have been legally punished. He was a housekeeper here before I went to England, in the year 1770. He lived in Water street between Market and Arch streets. He resided with his mother. I have understood that the house was devised to him by his father. He had a farm in Chester county of, I believe, no great value. His mother died not long after I was married, which was in

February, 1773. I saw her only once. I think he was a housekeeper just before he left this country for England in 1776. He continued to reside in Water street, between Market and Arch. I never knew him to reside in any other house. I will not be positive that he was a housekeeper just before his leaving this country, in 1776, or whether he was at lodgings, but he was a housekeeper some few years previous, I am certain.

Being examined on the part of certain petitioners, I do not know the name of the widow Hartley previous to her marriage with Mr. Hartley.

I cannot say how long he was here on his first visit, after the peace of 1783. It was probably some months. His second visit after the peace lasted some months certainly, during all which time he lodged with his half brother. I have no recollection of the length of his stay during his third visit here. He did not stay long. He left Philadelphia to go to Canada with the expectation, I think, of returning here, but the first I heard of him afterwards, was that he was in London.

I corresponded with him occasionally while he was in England.

Enos Bronson, my son-in-law died before the testator, Matthias Aspden. Mary Bronson died in 1826, since the death of the testator.

WM. WHITE.

Examination taken, reduced to writing, and by the witness subscribed and sworn to, this sixth day of August A. D. 1829, before me,

T. I. WHARTON, *Master.*

Barsheba Thompson of the county of Gloucester, in the State of New Jersey, wife of Joseph Thompson, aged about sixty-five years, being duly affirmed on the part of the complainant in the bill, deposes as follows:

I was married to John Packer before I married my present husband. I married John Packer forty-six years ago this next fall. I do not know that I was intimately acquainted with his family before the marriage, but I was afterwards. Generally I knew of the births, marriages and deaths in his family. By what I have heard in the family, I knew of the births, marriages and deaths in his family before the marriage. I have heard particularly from his mother. I expect she must have been about seventy years old, at the time of my first marriage. She was a very elderly woman. My first husband was the son of Samuel Jones Packer. As near as I can tell he had the following children. Parthena, Rebecca, Ruth, Daniel, Nelly or Ellen, and then John my husband. I believe that was all. Daniel was the oldest son. As far as I have heard Samuel Jones Packer was the son of Philip Packer and Rebecca, whose name was Jones before she was married. I remember hearing of two other children of Philip Packer, viz. Rhody and Rebecca. I am not positive of any others. I have heard that Rebecca married Roger Hartley her first husband. Her second husband was Matthias Aspden, I do not recollect whether she had any children by him, but I think she had a son, named Matthias Aspden. Daniel Packer, the eldest son of Samuel Jones Packer, had the following children: Samuel Packer was the eldest son. I believe he is the eldest son, I have always heard so. He lives in New Jersey, somewhere about Woodbury; his other children were Susan, Betsey, Daniel and John. The children of John my husband, and brother of Daniel were Edward, James, Martha, and Mary. Edward is still living, James is living, Martha is living and married to John Stewart, Mary is living, I believe she married John Derrickson. They reside in the western country. We had another child named John, who died at eighteen

years of age without issue. Samuel Jones Packer had a brother. I do not remember whether he was a younger brother or if he died without issue.—Upon reflection, I think his name was Daniel, and that he died without issue. I recollect hearing them tell it. I do not know whether he was a younger brother of Samuel Jones Packer.

Being examined by Mr. Bouvier on the part of Job Packer, the witness says: I do not recollect to have heard of Philip Packer, brother of Samuel Jones Packer, I think I have heard of a Philip Packer having married Ann Coates. I cannot tell where they resided. I have not heard of a James Packer, son of Philip, to my recollection. I do not know Job Packer nor Aaron Packer nor Moses Packer. I do not recollect to have heard of them.

Being examined by Mr. Brown on behalf of certain petitioners, the witness says: I know Rhoda Borton. She is living to the best of my knowledge. She was the daughter of Samuel Jones Packer and Ellen Packer, and aunt of the present Samuel Packer. She resides in Evesham, between Moorestown and Mount Holly. I believe she was first cousin to Matthias Aspden, as near as I have heard. Parthena Packer was married to William Loper. She died many years ago, leaving three children, Rhody, Uriah, and Rachel. I do not know whether they are all living. They were living three or four months back in Pittsburg, Salem county, New Jersey, which is the last I have heard of them. They reside at *Pittsgrove*. Rebecca Packer, sister of Parthena, married twice, one of her husbands was named Caldwell. I do not know the name of the other husband, but believe it was Robinson. I knew but one child that she left by Caldwell, whose name was Sally. She is dead. She left one daughter, named Sally, I think, who married, is dead, and left one child, whose name I do not know. It is a boy. She died a few years ago. I cannot tell how long. Rebecca Caldwell left no children by Robinson her second husband. Ruth, the sister of Parthena, married James Duffield. She died in the fever of 1793, leaving John, Edward, and Rhody, who married Reynolds, James Reynolds. Ruth had also a son named James, who is dead. I do not know when he died. I suppose he was about twenty four when he died. I do not know that he left any children; Rhoda Reynolds died this spring. Edward Duffield and John Duffield are both living. John, the brother of Samuel Packer, the complainant, is living. Daniel, his brother, is living, as near as I can tell. Susan is living. She married Hugh Cox. Elizabeth is living. She is single. Ellen Packer married Amos Bee. She died several years ago. I am not positive whether she died before or after Matthias Aspden the testator. She left several children, Samuel, Ephraim, Packer, Ellen, Rebecca. These are all I believe of the first marriage. She married a second time and had children, but I do not know whom. Samuel the son of Ellen is dead: He died many years ago. I believe he left no children. Ephraim died several years back before Matthias Aspden, leaving no children. Packer Bee is dead. I cannot say how long ago, but it is since the death of the testator. He left one child named Deborah. She resides somewhere in New Jersey. Ellen Bee married Isaac Leeds, and afterwards Joseph Wiley. She is dead. She died since Aspden's death I think, three or four years ago. She left three children by Leeds, Isaac, Charlotte, and Ruth, and perhaps one named Mary Ann—I do not positively know. I believe they are all living. She had one or two children by Wiley. I do not remember their names. Rebecca Bee married one Vansciver—I believe his first name was Asa. They are both living. They reside somewhere in New Jersey.

Ellen Packer who first married Bee, afterwards married Isaiah Hunt. I cannot tell how many children she had by him. She had several. I have often heard that Daniel, the son of Philip Packer, died without issue. I have heard that there was a Martha Packer, daughter of Philip and Rebecca, and of a Rhoda her sister, but I do not know whom they married.

Being again examined on the part of the complainants, the witness says: I have seen Matthias Aspden, the testator, at my mother-in-law's house. I resided there also. It was about two or three years after I was married to my first husband. He came to see her after he came from England. He called her his aunt, and treated her as his aunt. He said that he had come over here after some money that he had left in the hands of his step-brother James Hartley, who would not give it up to him. Said he, aunt, if I live and prosper, I shall be in as good a way as he is. I will leave it to you and your children. He staid there one night, and soon afterwards went to England. Rhoda Burton was the own sister of Daniel Packer.

her
BARSABA ✕ THOMPSON.
mark.

Examination taken, reduced to writing, and by the witness subscribed and affirmed to, this 6th day of August, 1829, before me.

T. I. WHARTON, *Master.*

Eleanor Earick, of Camden, in the State of New Jersey, widow, aged about sixty-five years, being duly affirmed on the part of the complainant, deposes as follows:

I know Samuel Packer, of the neighborhood of Woodbury, the complainant. I have known him since he was a very little boy. I knew him before the revolution, that is, before the Declaration of Independence. I lived near them and as in one family before I went to live in the family. I was brought up in his father's family, and married while residing with them. I knew the mother of Samuel Packer. His father's name was Daniel. Daniel Packer, as far as I can recollect, had four daughters, of whom two are now living. He had three sons. I expect they are all living now. Samuel, the complainant, was the eldest. I knew the mother of Daniel Packer, and was well acquainted with her. She was quite an old woman when I knew her. As well as I can remember Daniel Packer was the son of Samuel. I did not know Samuel, the grandfather, myself; he was dead before my knowledge, but I have heard that he was the father of Daniel. I do not know any thing of his brothers and sisters. I don't know any thing farther back than this. Daniel, the father of the complainant, had one brother, John; I do not know any others. He had several sisters. Daniel was the oldest of the brothers considerably.

The counsel for the other claimants decline any cross examination.

ELEANOR EARICK.

Examination taken, reduced to writing, and by the witness subscribed and affirmed to, this seventh day of August, 1829, before me.

T. I. WHARTON, *Master.*

Rhoda Borton, aged about eighty-four years, residing in the county of Burlington, in the State of New Jersey, in Evesham township, widow, being duly affirmed on the part of the petitioners, deposes as follows:

My father's name was Samuel Packer, sometimes called Samuel Jones Packer, and he sometimes put the Jones first. He was the son of Philip Packer, of Pensaucken. He (Philip) married Rebecca Jones. She was his second wife, and the daughter of Daniel and Mary Jones, as I have been told. The children of Philip Packer by Rebecca Jones were Samuel, Daniel—no other sons that I have any knowledge of—daughters, Rebecca, Martha, Rhoda, Mary, I believe the name was Sarah, not Mary. Sarah married John Carter; don't know her children. I believe she left children, but they were out of my knowledge. Rebecca was married to Roger Hartley, of Bucks county. She married secondly Matthias Aspden. Her children by Roger Hartley were Roger, James, Benjamin, Ann, Jennet, Barsheba, and Rebecca. I don't recollect any others, and am not sure that I have stated them in the order of their births. She left one child by Aspden, a son named Matthias; he was the only child that ever I knew of. I was personally acquainted with Matthias Aspden the younger, and lived with his mother while he went to England. I cannot tell if Roger Hartley the younger, left any children; he was living in Pennsylvania some time ago. James and Benjamin are both dead. James left no children that ever I heard of. He died more than ten years ago, soon after I was married. Benjamin left daughters,—I don't know of any sons. Don't remember how many daughters nor their names. Some of them married into the Brick family. Ann the daughter of the first Roger Hartley is dead. She married William Hinchman. She left children; one named Ann, another William, one John, he is dead, he lived in Moorestown. Jennet died a young woman unmarried. Barsheba married Nathan Zanes, and left two daughters and some sons. The daughters are living and I believe some of the sons. The daughters were named Ann and Sarah. Ann married a person named Ellis, and Sarah a Champion. Ann lived recently near Haddonfield, and Sarah in it. Rebecca, daughter of the first Roger Hartley, married John Kay. They are both dead, leaving children whose names I do not know. They have been dead more than ten years. They left a son named Matthias. He is dead; he was married—I don't know if he left children. He died not a great while ago, perhaps eight or ten years ago. My father, Samuel Packer, had ten children, Parthena, Rebecca, Susan, Sarah, Samuel, Ruth, myself Rhoda, Daniel, John, Ellinor Parthena married William Loper. They are both dead. They died more than ten years ago, I expect. They left Uriah, Rhoda, and Rachel, their children. I can't tell if Uriah is living; he went to the new country. I understood that the father went after him, but he must be deceased if he did. Rhoda married a man named Bailey. I don't know whether she is dead or alive. Rachel, I do not know whether she married, or is living or dead. These are all the children of Parthena I know of. Rebecca married Caldwell, they are both deceased. He has been dead many years, and she too. They left one daughter named Sarah, and a son named Thomas, who died during the old war. Sarah married Thomas Sims, and had some children, who are deceased. They had two grand children, I can't tell their names. Thomas left no children. Susan and Sarah, my sisters, died children. So did Samuel. Ruth married James Duffield. She is dead. She died in the time of the yellow fever in Philadelphia. She left Samuel, John, James, and Rhoda. There was also an Edward. Samuel is dead; he died an infant. James died a young man out at sea. I expect he died unmarried. John is living, Edward is living, Rhoda is dead. She married James Rev-

nolds. She died very lately, since the death of the testator. I married Samuel Borton. Daniel, my brother, has been dead many years. He left Samuel, John, Daniel, Susan, Elizabeth. These are all I can recollect. Samuel is living. I believe they are all living. There were children who died in infancy. Susan married Hugh Cox. Elizabeth is unmarried. My brother John is dead, leaving issue. His children were James, Edward, (I don't know which was first) Martha, Mary, and John. John was the youngest. My brother John died a long time ago—more than thirty years ago. My husband has been dead more than thirty years ago. The children of my brother John are all living except John, who died twelve or thirteen years ago. He died a young man without children. My sister Eleanor married Amos Bee. They are both deceased. He died a considerable time ago. She married again and died five or six years ago. Her second husband was Isaiah Hunt. I think she died before Matthias Aspden's death. Her children by Amos Bee were Deborah, who died before her, Samuel, Ephraim, Packer, Eleanor, and Rebecca. Deborah died an infant. Samuel is dead, leaving no children that I know of. He died since his mother, about ten years ago. Ephraim died at sea, leaving no children, before his mother's death. Packer had one daughter. I don't know whether he is dead or alive. The daughter is named Deborah—she is unmarried. Ellinor Bee was twice married. Her first husband was Isaac Leeds. Her second was Joseph Wiley. She died I guess as much as seven years ago. Her children by Leeds were one son Isaac, Charlotte, Mary Ann, Ruth. Isaac is living for aught I know. Charlotte is just married to Jason Sickle. Mary Ann is living unmarried and Ruth I believe. Her children by Wiley I don't exactly remember. Hazlewood is one, he is living. They had a daughter who died a child. Rebecca Bee married Asa Vansciver. They are both living. Ellinor Bee had by her second husband Isaiah Hunt, Samuel, Rhoda, and Isaiah; they are all living I believe. Rhoda married Jacob Sickle. Rhoda, my aunt, the daughter of Philip Packer and Rebecca Jones, married George Hammitt. They are dead many years ago, sixty years ago; they left children. They had Daniel, who died a young man unmarried, for all I have heard. George was the next, Samuel, Rhoda, Theodosia, Rebecca, John, Benjamin, Joseph, Sarah, Elias, Thomas. George is dead. He died many years ago before I was married. He left children; one son Daniel, and some daughters, whom I do not recollect. Daniel lived in Moorestown. I don't remember the names of any of the daughters—Samuel Hammitt died, I believe, many years ago. I don't remember how many children he left, nor their names. Rhoda Hammitt married a man named William Wheaton, and had one daughter by him. They are both dead a long time ago. They died six or eight years ago. The daughter's name was Mary; she married Thomas Haines I believe. I think she and he are both living. Theodosia Hammitt is dead. It may be ten years ago. She married a man named Manning I think, and left children, whose names I do not know. Rebecca Hammitt died a young woman unmarried. John Hammitt is dead I believe. I don't know how long. I don't remember the children. He had sons and daughters I believe. He had a son named Eves, but I don't know what became. I think he had a son Thomas who deceased lately. He kept tavern. I don't know what children he left. I believe there was a daughter named Hepzibah; I have not heard of her death. Benjamin Hammitt went out to the new country and settled there. I don't know if he had children, and

I never heard of his death. Joseph Hammitt married and lived at the Rising Sun. He died fourteen or fifteen years ago. I don't remember his children. He had a son George, but I cannot tell whether he is living or dead. Sarah Hammitt married Wolohan. She has been dead a good many years, and her husband too. I don't know that I saw any of the children except John. There were others whom I remember seeing, when they were small. Elias Hammitt, son of Rhoda and George, I most think is dead, leaving a daughter or two. I think there were one or two others. Thomas Hammitt died many years ago. I know nothing of his children.

Being examined on the part of the complainant, the witness says; I cannot say whether my father was older than my uncle Daniel, but I rather expect so. My father died first. Some of us were young when my father died. I was about eleven or twelve. Two of them were married at the time he died. My uncle Daniel left no children. He had one who died an infant. Daniel, my brother, was older than my brother John. I had but two brothers. My brother Daniel died about ten years after my marriage, as well as I can recollect. (Produces her marriage certificate: Married on the 11th of November 1766, Samuel Borton to Rhoda Packer.) My uncle Daniel died about five or six years after my marriage. My brother died ten or fifteen years before my husband's death, which was about thirty years ago. Samuel was the oldest of my brother Daniel's *sons*. I can't say if the oldest *child*, but I believe he was. Samuel, my nephew, is living, I expect he is here now.

Being examined on behalf of Job Packer, the witness says: I do not recollect a Philip Packer, who married Ann Coates. My grandfather had a son Philip, who married and lived in Pennsylvania. He was not the son of Philip and Rebecca Jones. He was the son by a first wife. I have heard from my mother, that he was a son by the first wife. I remember a son of his named Aaron, coming out of Pennsylvania to see my mother. I don't know the name of the first wife. He was an old man when he married my grandmother. I have heard my mother say that his head was as white as a sheet. I had not as good a chance of knowing the Philip Packer's family of Pennsylvania. I knew my grandmother very well, she came and staid with my mother. Perhaps I was then ten years old.

Being examined on the part of John Zane and Isaac Zane, the witness says: Matthias Aspden the testator, his brother James Hartley and waiting man came to our house after they returned from England, not long afterwards, a few years perhaps. Matthias Aspden the testator, went with his father to England to get his, the father's, eyes couched. This was when I was about fourteen or fifteen years old. He wrote to his mother that he was then going to school in England. I don't remember when he went to England a second time. They came to see if uncle Daniel had signed his right to lots in the city of Philadelphia. This was before the war. This ground in Philadelphia my grandmother wanted my father Samuel to have, because he bore her maiden name. Matthias came down with Hartley to get all us children to sign our right to him. I believe Matthias Aspden returned to England about the beginning of the war. I think he came here after it was settled. I don't know how long he staid in this country. He was backwards and forwards several times. I did not see him the last time he was here

RHODA BORTON.

Examination taken, reduced to writing, and by the witness subscribed and affirmed to, this eleventh day of August, A. D. 1829. Before me.
T. I. WHARTON, *Master.*

Abigail Lippincott of Evesham, in the county of Burlington, in the State of New Jersey, widow, aged about eighty years, being duly affirmed on the part of the petitioners, deposes as follows:

I knew Matthias Aspden, the testator, when he was a boy. I knew his father and mother also. I think he was about my own age. His father and mother resided in Haddonfield, when I knew them. His father's name was Matthias, and his mother's Rebecca. I always understood her maiden name was Packer. I don't know any more of her brothers or sisters than Rhoda. I knew she had a sister named Rhoda, who married George Hammitt. They both died many years ago. I don't know that I can exactly tell their children. They left George, Samuel, Benjamin, John, Thomas, Elias, Daniel and Joseph. (Joseph was older I believe than John.) Rhoda, Theodosia, Sarah and Rebecca, who died single. George is dead; he left Daniel, Rebecca, Mary, and Keziah—these are all I know. Daniel is living in Ohio. Rebecca married some one in Philadelphia, and is living here. Mary is married, I do not know to whom, and is living. Keziah married Vickars, is dead, and has left children, there are daughters and perhaps one son. I don't know any thing of Samuel Hammitt. I expect Benjamin Hammitt is living. Joseph Hammitt is dead, leaving Ann, Hannah, Lydia, Martha, Keturah, Sarah, two sons, George and Joseph—there is a third, John, who is living and here. Ann is dead. She married Abel Lippincott and left one child. Joseph, who married, is dead. He died about two years ago. I don't know the names of his children. John Hammitt, the son of George and Rhoda, is dead. He left Eves, Thomas, and John, sons, Elizabeth, Hepzibah, Priscilla, and Sarah, daughters There was also an Amy. Eves went away, and we don't know what became of him. Thomas is dead, died last spring, leaving one son William. John is dead; died about four or five years ago; he left children, whose names I don't recollect, except that one of his children was named Rachel. Elizabeth, the daughter of John, married Joseph Newton, and is living not far from me. Hepzibah is living and unmarried. Priscilla married Peleg Brown, and is now living Amy is living; she married Thomas Shinn. Sarah married Stacy Baxter and is living. Thomas, the son of Rhoda and George Hammitt is dead. He left one child, who is also dead, leaving no children, as I believe. Elias Hammitt married first, Ann Lippincott, and secondly, Leah Middleton. His first wife was my husband's sister. He had one son Levi, by his first wife; he is living. He had other chiidren, who died in their infancy. By his second wife Elias had Thomas, Ann, and a third whose name I do not recollect. Thomas is living. Ann is married, and living in Philadelphia. The other is a female, she is also living and married. Daniel Hammitt, son of George and Rhoda, I have no recollection of. Rhoda his sister, married William Whitton. She is dead, leaving a daughter Mary, who married Thomas Haines and is living. Theodosia married one Mannery. She is dead, and left one daughter, who married John Green. She is living in Ohio, as well as I know. She left also one son, whose name I do not know. Rebecca Hammitt died unmarried many years ago. Sarah married John Wolohan; she is dead, about seven or eight years ago, leaving children, whom I do not know. I don't know any

other relations of Matthias Aspden. I knew the Keys, and knew that they were related to the wife of the elder Matthias Aspden. Matthias Aspden, the testator, was never married as far as I know.

Being examined on the part of the Zanes, the witness says: I knew Rebecca the mother of Matthias Aspden: her maiden name was Packer; her first husband was Roger Hartley. Their children were Barsheba, Rebecca, I think Rebecca was the oldest. I don't know if there were others. Barsheba married Nathan Zane; they had one son and two daughters; they were named Sarah and Ann. I don't know the son's first name. Sarah married Samuel Champion; they are both living. Ann married Isaac Ellis; he died about a year ago: she is living. Nathan and Barsheba Zane had one son that I know. There might be others, but I guess not.

Being again examined on the part of the petitioners: I was acquainted with the family of Matthias Aspden the elder. I do not think he ever was married more than once, and that was to Rebecca Packer. I never head of a previous marriage; he might have been, but that was all I ever heard of; but I have heard that there was a female living in the family, who was said to be his adopted daughter. I do not remember her name, and I do not know who she married. It was said that this adopted daughter was his own child born out of wedlock. I was young at the time and heard them talk so. I never heard of any other daughter of Matthias the elder except that adopted child. The children of John and Rebecca Key were as well as I know, Mary who married Church, she is living. Isaac Key, he is dead; he has been dead many years; he left two daughters only; one married to another Isaac Key's son; they are now living. The other daughter is living and married. I don't know their names. There was a son of John and Rebecca Key, named John, who died a young man, without children. There was another son, named Matthias, who is dead; he left two daughters who are living in the State of Ohio, with their mother. I think there were more children of Matthias, whom I do not know. There were no other children of John and Rebeeca Key, except Ann, who married Dr. Cathrall, she is now living, and married a second time. There was another daughter, Elizabeth, who married John West. I believe she is living. He is dead. There was also a daughter Rebecca, who married Bolton, and is now living.

ABIGAIL LIPPINCOTT.

Examination taken, reduced to writing, and by the witness subscribed and affirmed to, this eleventh day of August, 1829, before me.

T. I. WHARTON, *Master.*

Rhoda Borton being re-examined on the part of the petitioners, deposes as follows:

I have heard of Matthias Aspden being twice married. The issue of the first marriage was a daughter, who was married to captain Harrison. I never heard when I was young, many years ago, any doubts of her having been born in lawful wedlock.

RHODA BORTON.

Examination taken, reduced to writing, and by the witness subscribed and affirmed to this eleventh day of August, 1829, before me,

T. I. WHARTON, *Master.*

Rachael Hammett of Evesham, in the county of Burlington, and State

of New Jersey, widow, aged about seventy-three years, being duly affirmed on the part of the petitioners, deposes as follows:

I knew the late Matthias Aspden, the testator. He was frequently at my husband's house. He was the first cousin of my husband. He visited my husband as a relation. They were about the same age; I often heard him say so. I have heard him say that he and my husband were own sisters' children. My husband was John Hammett; his father was George, who married Rhoda Packer. She had a sister named Rebecca, who married one Hartley; I believe his name was James Hartley: he was her first husband; her second was Matthias Aspden; she had no other children by the last, than Matthias Aspden, as I have ever heard. My husband's mother had two brothers besides, viz. Daniel and Samuel. I knew of no other sister than Rebecca. I don't know that I ever knew which was the oldest of the four. I have heard my husband say that his mother died when he was quite small, about seven years old. She left the following children, Samuel, Benjamin, Thomas (I think he was the next,) Rhoda, then Dosy, or Theodosia, then John, my husband, then Joseph, George, Sarah, Elias, and Rebecca. Rebecca died quite young, and so did Daniel. Samuel, my husband's brother, died, as much as forty years ago, leaving, 1. Sibilla, who married John Prickett, and I believe is still living. 2. William, who removed to the back country, I do not know whether he is living or dead. 3d. Sarah, who married John Berryman, who, I think, are both dead, and left one child named Rachel, I think; I do not know whether she is dead or alive. 4th. Jane, who married Caleb Bickham; I do not know whether they are living or dead. Benjamin, my husband's second brother, went to the back country; I have heard that he is dead, leaving a wife and children. Thomas died thirty or forty years ago, leaving a daughter, named Rachel, who is also dead, as I believe, without issue. Rhoda married William Whitton, and died six or seven years ago, perhaps more, leaving one child who married Thomas Haines; her name was Mary—she is living. Theodosia married Thomas Mannery; he has been dead many years, and she also; they had children, Thomas and Rachel. Thomas went to the back countries; I do not know if he is living or dead. Rachel married John Green; I expect they are both living. My husband has been dead eight years this spring. He left, 1st. Elizabeth, who married Joseph Newton; she is living a widow. 2d. Eves, who left Philadelphia eight or nine years ago; I never heard of his death. 3d. Thomas, who died last spring, leaving one child named William. 4th. John, who died about three years ago, leaving Samuel, Thomas, Elizabeth, Rachel, Mary Ann, and John, all of whom are living, (except Elizabeth,) and all under age. 5th. Hepzibah, who is living and single. 6th. Amy, who married Thomas Shinn, and is living. 7th. Priscilla, who married Peleg Brown, and is living. 8th. Sarah, who married Stacy Baxter, and is living: these are all our children. Joseph, my husband's brother, died twenty years ago, leaving, 1st. Ann, who married Abraham Lippincott, and died about eleven years ago, leaving a son, Joseph, who died about two or three years ago, leaving a wife, and a son a minor, whose name I do not know. 2d. Martha who married William Cole; she is living and a widow 3d. George, who died seven or eight years ago, leaving a daughter, Leah, who married Aaron Prickett, and is living. 4th. Lydia, who married Samuel Blackwood, and is living, a widow. 5th. Keturah, who married Court Schenck; she is also living a widow. 6th. Joseph, who is living. 7th. John, who is also living. 8th. Sarah, who married Stacy Kirkbride, and is living. 9th. Hannah, who

married Joseph Hays, and died twelve or fifteen years ago, leaving one daughter, Maria, who is living and unmarried. George, my husband's brother has been dead these fifty years, leaving, 1st. Keziah, who married Jesse Vickers. She died four or five years ago, leaving David, Mary, Phœbe, Hannah, and Sarah, who are all living. The females are all unmarried. 2d. Mary, who married one Wood; she is living and a widow. 3d. Allen, who died many years ago, without issue. 4th. Daniel, he is living, as far as I know. 5th. Rhoda, who married William Sweaton, and is living. Sarah, my husband's sister, married John Wolohan, and died about eleven years ago, leaving, 1st. Amy, who married one Ivens, and is living, a widow. 2d. John, who died about two years ago, leaving children, but I don't know how many. 3d. Jacob, who is living. 4th. Rhoda, married Aaron Powell, and is now living, a widow. 5th. Mercy married one Morrell; I think I have heard she is dead, leaving children, whose names I do not know. Elias, my husband's brother, died about fifteen years ago, leaving, 1st. Benjamin, who died under age, and without issue. 2d. Hezekiah, who also died young without issue. 3d. Levi, who is living. By a second marriage, he had, 4th. Thomas, who is living. 5th. Rebecca, who is living. 6th. Anne, who married Charles Rhinehart; I believe that to be his first name, but I may be mistaken. Rebecca died very young, that is, under age: I mean my husband's sister. Rebecca Packer, the mother of Matthis Aspden, was married first to one Hartley. Their children were Benjamin, Bathsheba, Ann, who married William Hinchman; Rebecca James; I do not know any others. Bathsheba married Nathan Zane, sometimes called Elnathan Zane. She died thirty or forty years ago, leaving, 1st. Sarah, who married Samuel Champion, and is living. 2d. Ann, who married Isaac Ellis, and is living. 3d. John; I never heard of his death. 4th. Samuel; I do not know of his death. I never heard of an Isaac.

Matthias Aspden, the testator, came to see my husband a short time previous to his going to England the last time he went, and in conversation with my husband, I heard him say, there will be something clever for you, when I am done with, if you outlive me. This is the substance of what he said, but I cannot be particular about the words. I do not think Matthias Aspden, the father, was twice married. It is my full belief that he was married but once, and that was to Rebecca Hartley. I lived six months with Barsheba Zanes, the half sister of Matthias, the testator, and think I should have known it, if there was another marriage. I have heard that he had a child by a woman, but I do not know her name. I have heard this child was a girl. It was not a great many years ago that I heard this. At the conversation I have mentioned between Matthias, the testator, and my husband, Matthias Aspden enquired about the family, how many children they had, and how many children the brothers and sisters had.

RACHAEL HAMMITT.

Examination taken, reduced to writing, and by the witness subscribed and affirmed to, this twelfth day of August, A. D., 1829, before me,

T. I. WHARTON, *Master.*

John Gill, of Haddonfield, in the county of Gloucester and State of New Jersey, farmer, aged about seventy-one years, being duly affirmed on the part of certain petitioners, deposes as follows:

I was acquainted with Matthias Aspden, the testator. He was the only son of Matthias Aspden by Rebecca, whose name was Hartley, the widow of Roger Hartley, who was her first husband. My father lived next door to Matthias Aspden the elder. Rebecca Hartley had by her first husband Roger, six children as I remember: 1st, Roger, 2d, Ann, 3d, Benjamin, 4th, Bersheba, 5th, James, and 6th, Rebecca Kay, commonly called Key. Roger went away to Pennsylvania and died in Bucks county, I suppose fifteen or eighteen years ago, leaving children, I think, of whom I know nothing. 2d, Ann married William Hinchman; she died about sixty years ago, leaving, 1st, John; he died five or six years ago, I think before the testator. I do not know if he left children. 2d, Ann, who married John Scull, and died perhaps ten or twelve years ago, leaving children in Ohio: I remember one son named Joseph. 3d, William, who died about two or three years ago, about the time of the death of the testator, I think since, leaving a son named Joseph, who is living 4th, James Hinchman, who died four or five years ago leaving no children, I believe. 3d, Benjamin Hartley died during the Revolution, leaving, 1st, Rebecca, who married, I think, Thomas Burrough. I believe she is living without children. 2d, Mercy, who married John Brick, and died twenty or thirty years ago, leaving but one child that I know, named John; he is living. 3d, James, who died about seven years ago, leaving two children; Thomas, who is now living, and Elizabeth, (I think her name is) who married Daniel Fortner and had one child, who died soon after its birth. She died about four or five years ago. 4th, Asher, who is living. 5th, Barsheba, who married John Brick, who had previously married her sister Mercy. Barsheba is now living a widow. 6th, Elizabeth married Samuel Brick. They are both living. 7th, Mary married Samuel Brown. She died ten or twelve years since, leaving several children, I do not know their names. One was Edmund, another Mary, Elisha, I do not remember a Benjamin, Thomas, Chalkly, or Israel. Samuel Brown, the husband, is living in the State of New York. Their children are living as far as I know. I believe the daughter Mary is unmarried. Bersheba, the 4th child of Roger and Rebecca Hartley, married Elnathan Zane; I think she died ten or twelve years ago. She had, 1st, Sarah, who married Samuel Champion, of Haddonfield, and they are now living. 2d, Ann, who married Isaac Ellis, and is now living a widow. 3d, John, who is now living. 4th, Samuel, who is now living. 5th, Isaac, who is also living. These are all her children. *James*, the fifth child of Roger and Rebecca Hartley, died fifty years ago without issue. I believe he was connected in business for a short time with Matthias Aspden, the testator. Rebecca Key, or Kay, the youngest child of Roger and Rebecca Hartley, married John Key and died fifteen or eighteen years ago, leaving, 1st, Mary, who married John Church, and is now living. 2d, Rebecca married first, Isaac Bolton, secondly, Nehemiah Fowler; she is now living a widow. 3d, Elizabeth, who married John West and died perhaps seven years ago, leaving several children. I know one Jane, who married Joseph P. Horner; she is living. There are other children of Elizabeth West, whose names I do not know. 4th, Isaac Key, who died about twelve or fourteen years ago, leaving two daughters; Mary married Joseph Key, and is now living, and Henrietta married William Key, brother of Joseph, and is also living. 5th, John Key died eighteen or twenty years ago without issue. 6th, Matthias Key died nine or ten years ago, leaving several children; they removed to Ohio, and I do not know their names. 7th, Ann, who married

Dr. Cathral, of Philadelphia; he is dead. I have understood that she married a second time, but I do not know to whom. I have understood she did marry Joseph Worrell. She is still living. I think there were no other children of Rebecca Key. I have heard of one Jennet, the daughter of Roger and Rebecca Hartley, I believe she died quite young. William Hinchman, the son of Ann and William Hinchman, left Joseph and Thomas, I think; I do not remember the others. I have heard there were daughters, but I do not remember them. I think Thomas Hinchman is living.

The marriage certificate of Elnathan Zane with Barsheba Hartley, dated 20th of 8th month, 1761, being shown to the witness, he says, I am acquainted with the handwriting of Mary Gill, my sister, one of the witnesses who is dead, and of Thomas Redman, also deceased, and of Elizabeth Eastaugh, and believe *the signatures to* the certificate to be in their proper handwriting. Elizabeth Eastaugh is also dead. I have seen Thomas Redman and Mary Gill write their names. I have had occasion often to see the handwriting of Elizabeth Eastaugh. It was a peculiar one.

I knew the testator, Matthias Aspden, but was not very intimate with him. I met him frequently at his father's house, which adjoined ours It was the general understanding that he went to England during the revolutionary war to save his property, and I believe did save it. I saw him two different times on his first and second return to this country. He came to Haddonfield to see his relations, his brothers and sisters, and his native place. I had conversations with him. He came to my father's, (I think it was the first visit,) to know if he was a member of the society of Friends. He was very inquisitive about his relations. It was the talk of the neighborhood that he was to go to England, settle his affairs, and return to lay his bones in his native country. This was previous to his last visit to England. I take it to be about three years that he was in England at the last visit previous to his death. I have heard of Matthias Aspden the elder, having had a daughter previous to his marriage with Rebecca Hartley. She was called illegitimate. The old man called her his daughter. I rather think he brought her from England with him. He brought no wife with him from England that I know of. I understood this young woman or daughter, married one Harrison. I seem to have some faint remembrance of a young woman living as house-keeper with the elder Matthias Aspden, but I never heard that she was the mother of this child. It was from twenty to fifty years ago that I heard of this young woman being the illegitimate child of the elder Matthias Aspden. I have heard that the person who married Captain Harrison was called the adopted daughter of Mattnias Aspden. I never heard either of the Matthias Aspdens' mention the name of this young woman. I am in no way connected with Matthias Aspden, the testator, or his family, by marriage or otherwise.

JOHN GILL.

Examination taken, reduced to writing, and by the witness subscribed and affirmed to, the twelfth day of August, 1829, before me,

T. I. WHARTON, *Master.*

Rebecca Fowler, of Eggharbor, in the county of Gloucester, in the State of New Jersey, widow, aged fifty years and upwards, being duly affirmed on the part of certain petitioners, deposes as follows:

I am daughter of John Key, who married Rebecca Hartley, and sister of

Elizabeth West. She died nine or ten years ago, leaving two children, 1st, Jane, who married Joseph P. Horner, and is now living. 2d, Mary married Whitton Evans, also living 3d, John, living in New Orleans. 4th, Rebecca died six or seven years ago, it may be more, unmarried and without issue. 5th, Eliza, who married Samuel Nevins, and both are living. 6th, Harriet married Dexter Stone, and died about three years ago, leaving two children, both sons, now living and minors. Dexter Stone is living. 7th, Thomas, who died about two years ago, leaving a daughter, an infant, whose name I do not know. Mr. Joseph P. Horner is living. Matthias Key, my brother, died in New Jersey about sixteen years ago, laeving five children, I believe: 1st, Eliza, 2d, Ann, 3d, John, 4th, Rebecca, 5th, Miriam; there was a sixth named Charles. They removed to Ohio shortly after his death, with his widow's father and mother, whose name was Bates—Samuel Bates. The last accounts we had of these children they were all living, and the daughters married, but we never learned the particulars of it. My sister Ann, the widow of Dr. Cathrall, married secondly, Joseph Worrell, of the city of Philadelphia. They are both living.

REBECCA FOWLER.

Examination taken, reduced to writing, and by the witness subscribed and affirmed to, this twelfth day of August, 1829, before me,

T. I. WHARTON, *Master.*

Catharine Dilks, of the county of Gloucester, in the State of New Jersey, widow, aged about seventy-one years, being duly sworn on the part of the petitioners, deposes as follows:

I have seen Matthias Aspden, the testator, but was not personally acquainted with him. I saw him when I was about eleven years old, when he came to my step father's, Jeremiah Carter's house, on Timber creek. He called about his signing a quit claim. I believe Jeremiah Carter's mother and Matthias Aspden's mother were sisters. Jeremiah Carter's mother was named Sarah Packer, this was her maiden name. Matthias Aspden's mother's name was Rebecca Hartley at her first marriage. Her maiden name was Packer. My step father, Jeremiah Carter, had one child by his first wife, a daughter, Amy, who married Nathan Ward, he resided near Woodbury. She is dead. She did about eleven years ago, on the 13th day of July, leaving several children. One of them is named Hannah Easely, who is now living. She is married to Samuel Easly; they reside near Woodbury. Jeremiah Carter, married, second, Jane Pearce, and had three children by her, John, who died thirteen years ago unmarried. 2d, Sarah, who married Abel Peirce, and died about six years ago last May, leaving 1st, Elizabeth, who married John Johnson, and is now living, a widow. 2d, Ann, who married Nehemiah Tubman, they are both living I expect. 3d, Sarah, who died under age and unmarried, many years ago. The third child of Jeremiah Carter by Jane Pearce, was Ann, who married George M'Kean, of Timber creek, and is now living a widow. I do not say that the paper which my step father signed at the instance of Matthias Aspden, was a quit claim. It was some instrument of writing. Old John Carter, the father of Jermiah Carter, had several other children. The first was John, he died many years ago, leaving several children. I know of but one living. Her name was Sarah: she married Isaac Hewitt. They are both living. I believe the other children of John Carter are all dead, leaving no

issue. The second child was Samuel, the brother of Jeremiah, who died many years ago, leaving one child named Sarah. She went away many years ago, and I do not know any thing further of her. The next child was Jeremiah. The next was Nathan, who went off many years ago, and I never heard any more of him. The next was Daniel, who died many years ago, leaving children. One of them was Nathan, who went to Cincinnati. I expect he is living. The last we heard of him he was living. The next child of Daniel, was Daniel, who is now living in New Jersey. The next was Bartholomew, who is now living. There was a John, who went to the westward about twelve or thirteen years ago, I suppose he is living. I believe Jeremiah was the next son: he is believed to be living. There was a daughter Ann, who married Andrew Sweaton, and is now living a widow. Martha was next: she married John Butway, and is now living. Elizabeth was next: she is now living, and wife of John Turner. Jeremiah Carter had the following sisters. 1st, Martha, who married Edward Taylor, and died many years ago, leaving one child, whose name was Martha. She went to Lancaster, and married there Jacob Shew. We have not head of her death, and do not know what became of her. 2d, Sarah, who married Jonas Chattel. She has been dead many years, leaving a good many children. 1st, Uriah, who is now living. 2d, David, who has been dead many years, leaving several children, some of whom are living. One was Sarah, who married Ellis Parker, and is living, a widow. Another was Mary, who married Samuel Jennings, and is living a widow. A third was Hannah, who married Joseph W. Chase, and is living. There are sons of David Chattel, who are living, but the names I do not know. Jonas was another son of Jonas Cattel, he is living on Timber creek. Amos was the youngest son of old Jonas Chattel. He is now living on Woodbury creek, in New Jersey. I do not know that I remember any other child of old Jonas Chattel. The 3d, sister of Jeremiah Carter, was Joanna, who married 1st, Henry Paxton, and had four children by him. 1st, Elizabeth, who married Isaac Pederick, and died about a year and a half ago, and left children, whose names I do not know. 2d, Sarah, who died unmarried and without issue, nine or ten years ago. 3d, John Paxton, who is living in New Jersey, in the county house. 4th, Hannah, who died in her mother's life time, a child. Jaonna Paxton married 2d, James Marridge, and had no children by him. She married 3d, John Sears and had no children by him. She died fifteen years ago this fall. There were no other children of old John Carter that I remember.

her
CATHERINE ⋉ DILKS.
mark,

Examination taken, reduced to writing, and by the witness subscribed and affirmed to, this nineteenth of August, 1829. Before me.

T. I. WARTON, *Master.*

John Paxton, of Gloucester county, in the State of New Jersey, aged about fifty six years, being duly sworn on the part of the petitioners, deposes as follows:

I was born blind and have never had the use of my eyes, and have never been able to follow any business, in consequence of that. I never knew Matthias Aspden, but have often heard my mother tell of him. My mo

ther was Joanna Carter. She was daughter of John Carter, I cannot tell whose son he was. He came from old England a boy. He married Sarah Packer, who was sister of Rebecca Aspden, whose maiden name was Packer. My grandfather, John Carter, had by Sarah Packer nine children. 1st, Martha, who died a great many years ago. Her first husband was William Nicholson, by whom she had two children, William and Susannah, who both died many years ago, unmarried and without issue. Her second husband was Edward Taylor, by whom she had several children, but only one that lived, whose name was Mercy, who married Philip Shew, who resided at Pottsgrove. I have not heard of her death. 2d, John was the second child of John Carter. He has been dead seven and thirty years this December. He married one Priscilla Williams, and left two sons and three daughters, who survived him. The first was Elvery, who married Cornelius McDermot and died a great many years ago, leaving five children. 1st, Martha, who died in childhood. 2d, Priscilla, who I believe is living. 3d, Nancy. 4th, Cornelius, who died a little boy. 5th, John, who is living as far as I know. I do not know much of the descendents of Elvery McDermot. The next child of the 2d, was Sarah, who married Isaac Hewitt, and I think is living. The third was Joanna, who married John Wallender. She has been dead many years. She left two sons and one daughter. I do not know what became of them. The next child of John Carter the 2d. was Samuel, who died many years ago, leaving four children, Aaron, Jonathan, Joseph. I do not remember the name of the f urth. I believe it was Jesse. He was drowned. The other three I think are living. The oldest child of John Carter the 2d, was John, who died many years ago, during the revolutionary war, leaving four daughters—Priscilla, Katy, Mary and Nancy. I do not know much about them. Another child of John Carter the 2d, was Jonathan, who died during the revolution, leaving no children. Edward was the next child of John Carter the 2d. He died many years ago, leaving a son and daughter, James and Sarah. I do not know what became of James. Sarah married Samuel Watson, and is now living I believe. There were two other children of John Carter the 2d, Israel and Rebecca, who died young, without issue. The next child of John Carter by Sarah Packer, was Samuel, who died many years ago, leaving two children, Samuel and Christiana. Samuel died young. I do not know what became of Christiana. I think there were other children, who died. Jeremiah was another child of John and Sarah Carter. He died many years ago, leaving four children by his first marriage, three of whom died young of the small pox. The other was Amy, who married Nathan Ward, and left Amy, Sarah and Hannah, all living. I believe they are married. Hannah married Samuel Easely. I do not know who the others married. Jeremiah had three children by his second wife. 1st, John, who died twelve years ago last winter, unmarried. 2d, Sarah, who married Abel Pearce and died, I suppose, about ten years ago, leaving three daughters, Ann, Elizabeth and another, who I believe are living. 3d, Ann, who is living, and married one George McKean. Nathan was another child of John and Sarah Carter. He was never married, and died many years ago. Daniel was another child of John and Sarah Carter. He has been dead nearly forty years last April. He had nine children. 1st, Nathan, who went to the new countries. I don't know whether he is living or not. He went away seven or eight years ago. I never heard of his death. 2d, Bartholomew, who is living. He resides on Manto Creek. 3d, Daniel, who is now liv-

ing. 4th, John, who went to the new countries. I have not heard of his death. 5th, Jeremiah, who I believe is still living at Barnsboro' in New-Jersey. 6th, Martha, who is living. She married John Buckler. 7th, Elizabeth, married John Turner, and is living in Gloucester county. 8th, Ann, the widow of Andrew Sweaton. She is now living. 9th, Mary, who died young, unmarried. The next child of John Carter and Sarah Packer, was Sarah, who married first, John Stevenson, and left a child John, who is living, I believe. She married second, Jonas Cattel, and left by him 1st, Uriah. I believe him to be living in Gloucester county. 2d, David, who died five years ago this fall, left 1st, Jonas. 2d, Joseph. 3d, Isaac. 4th, William, who are all living I believe. He also left three daughters. 1st, Sarah who married Ellis Parker, and is living 3d, Mary, who married Samuel Jennings, and I believe is living. 3d Hannah, who is living, I don't know if married. Sarah the wife of Jonas Cattel died many years ago. Old John Carter by Sarah Packer, had also my mother, Joanna, who died fourteen years ago this next October. She married first, Henry Paxten, and had four children. 1st, Elizabeth, who died last July, year. She married Isaac Pederick and left six children, Isaac, Samuel, Joanna, Henry, Thomas and Joseph; they are all living and of full age. Joanna married Joseph Richards and is living in Gloucester county. 2d, my mother's second child was Sarah, who died unmarried and without children, about eleven years ago. 3d, Hannah, who died young many years ago without children. 4th, John, myself. My mother had no children by her second or third marriage. She married 2d, James Marridge, and 3d, John Sears. The ninth child of old John Carter and Sarah Packer was Rebecca, who died under age and unmarried. Old Jonas Cattel left besides Uriah and David, a son named Nathan, who died five years ago last April, leaving one child named Nathan, who is living in Gloucester county. There was also another son of old Jonas Cattel, named William, who died many years ago, unmarried—then Amos, who is living in Gloucester county, and also Jonas, who is living in the same county. Jonas Cattel also left Sarah, who died many years ago unmarried. 2d, Hannah, who died many years ago unmarried. 3d, Amy, who married Judah Heritage, and died fifteen years ago this fall, leaving 1st, Elijah, who is living in Gloucester county and of age. 2d, Amos, I never heard of his death. 3d, Eli, I believe he is living. 4th, Mark, who is also living, I believe. Jonas Cattel also left a daughter named Martha, who died unmarried.

his
JOHN ✕ PAXTON,
mark.

Examination taken, reduced to writing, and by the witness subscribed and affirmed to the 19th of August, 1829. Before me,

T. I. WHARTON, *Master.*

Ann Marter, of Camden, in the county of Gloucester, and State of New Jersey, widow, aged fifty-three years and upwards, being duly affirmed on the part of the petitioners, deposes as follows:

I knew William Hinchman, but I did not know Ann Hartley. I do not know who his father was. His wife was named Jane—I mean the wife of William Hinchman. He died four years ago last February, (1830,) in the forepart of February. He left children, viz. Ann, who married John Brown;

she is living. John Brown is dead more than five years ago. The next child of William Hinchman was Joseph. He is now living in Gloucester county, New Jersey, aged upwards of forty years. Rachel was next child; she married Benjamin Wiltse; she died four years ago last February. Her father died only a few days before her. She left six children, Edmund, Emmeline, Benjamin, Elizabath, Ann, Isaac, all living and unmarried, and all minors. Benjamin Wiltse, her husband, is also living. Barsheba was the next child of William Hinchman. She is now living, and married to Benjamin Wiltse, who had formerly married her sister Rachel. She had been previously married to Samuel Forest, who died upwards of ten years ago. She has one child by him, who is living, named Jane Ann Forest. *Mary* was the next child of William Hinchman. She is living, and married to David Ireland; she resides in Philadelphia. Barsheba Wiltse resides in Camden with her husband. *Thomas* Hinchman was the next child of William. He is living, and resides in Gloucester county, New Jersey. Martha Hinchman was the next child of William. She is living, and single; in Camden. These are all the children of William Hinchman. I do not remember the name of the mother of William Hinchman.

ANN MARTER.

Examination taken, reduced to writing, and by the witness subscribed and affirmed to, this first day of March, A. D. 1830. before me

T. I. WHARTON, *Master.*

Phœbe Gibbs, of Woodbury, in the county of Gloucester, in the State of New Jersey, single woman, aged about forty years, being duly affirmed, deposes as follows, to wit:

I did not personally know James Hartley, son of Benjamin. He died, I suppose, more than five years ago. I believe he left four children. I only knew two of them. Their names were Thomas and Elizabeth. Thomas is living, I believe, in Philadelphia. Elizabeth married Daniel Fortner, and died about five years ago, having had one child, which died about four weeks before her. Daniel Fortner, her husband, is living in Haddonfield, New Jersey. These two are the only children of James Hartley, that I was acquainted. I do not know if James Hartley had any brothers or sisters.

PHŒBE GIBBS.

Examination taken, reduced to writing, and by the witness subscribed and affirmed to, this first day of March, A. D. 1830, before me

T. I. WHARTON, *Master.*

Thomas Aspden, at present residing at Lower Merion, in the county of Montgomery, and State of Pennsylvania, mechanic, aged about forty-four years, being duly sworn on behalf of John Aspen, deposes as follows:

My father's name is John Aspden. He resides at Rawtenstall, in Lancashire, in England. He is the son of Thomas Aspden, who lived near Harwood, also in Lancashire. He had the following children: John, Nathaniel, Matthias, Andrew and George, and one daughter, Mary, who is dead. The father of Thomas Aspden, my grandfather, was named William. I had no knowledge of him. He died before I had any knowledge of him. He died before the father of old Mathias, the father of the testator. He resided, as I have understood, in the neighborhood of Symonstone, where his ancestors generally lived. This is also in Lancashire. I almost think that the

father of my great grandfather was named Nathaniel, but I am not certain. My great grandfather had a number of brothers. I do not recollect the names of all of them. He had one named Matthias, one named Richard and one Nathaniel. I do not remember the names of the whole. Matthias, the brother, had one child, that was laid to his charge before he came to this country, born before marriage. Her name was Mary Watson. He had no other children by the first marriage. He married to his second wife the widow of Roger Hartley. I think the Christian name was Roger. He was not married again. He married Mary Watson in England, and had previously, a daughter, whose name was Mary Watson, but he was pleased to call her Mary Aspden. She married one Captain Henry Harrison. This Matthias Aspden was the father of the testator. My father was the eldest of his brothers or sisters. My grandfather was the oldest child, I believe, of my great grandfather, or was the oldest son. He had a sister, Mary, who was in this country with old Matthias. My great grandfather was not, I believe, the oldest of the brothers or sisters of that family. Richard was the oldest. He died at Minorca, without issue that we could ever trace. A good deal of pains was taken to find it out, but without success.

Being cross examined, the witness says:

I know the facts of my father, and grandfather, and great grandfather, which I have stated from the copies of the registers. I have been credibly informed, by my father, that William was his grandfather. I have no other knowledge of the fact than from my father and the register. I have been informed for many years previous to the death of Matthias Aspden, that William was his grandfather. I have known that Thomas was the eldest son ever since I had a knowledge of the family. It must have been 20 years, at least. I believe that William was the son of Nathaniel, but I am not positive as to that. My knowledge is derived only from my father, and other leading branches of the family. My grandfather died, I believe, about two years before the testatator. I believe the testator died about the latter end of 1824. The branches of the family I speak of, were my grandfather and some of my uncles. I have frequently heard told about the pedigree of the family, many years ago, but I cannot name the precise time. It was in common conversation. I was personally acquainted with all my uncles. I have heard my uncle Matthias speak of it.

It is about three years and a half since I came to this country, I lived at a place called Haywood bridge, about two miles from my father's residence. I followed machine making principally, and the last business, I was connected with brass and iron foundry as well as machine making. I was principally a master workman in England, for about twelve or fourteen years there. I have a wife and two children. They are with me. I came out on this business. I had some inclination of coming to this country previous to the death of the testator. I cannot positively say whether my father is pursuing a claim in England, or waiting it to be brought on. The expenses of proceeding in Chancery there, are so great that he has not money enough to prosecute a suit at large. I cannot say whether he is embarked in the cause, or waiting for the other party. He had made application before I came from England, but since then he has not informed me, I mean to say, that by prosecuting at large, that he had not money to compel the suit to be brought forward. The person prosecuting the suit in England, is a daughter of old John Aspden, I

suppose about a half cousin to my father. It is what we call second cousins. We did not know much about the relationship. This old John Aspden is stated to be the son of Andrew. I do not know the names of that branch of the family, nor whose son Andrew was. I suppose it must be about twenty years since I first heard of Captain Henry Harrison. I heard it spoken of then in the conversation of my father and grandfather, about the pedigree of the family I cannot tell any thing about the family of Mary Watson, the wife of Matthias Aspden. I have some registers that state precisely where she lived. She was from somewhere about Padyham, about a few miles from Simonstone; I believe not more than five or six. I have seen an attested copy of the register of the birth of Mary Watson, daughter of Matthias. I think the name of the grandfather of the testator was Nathaniel, but I am not positive. I state it merely from memory. He had a brother Nathaniel. The family all spell their names *Aspden*, I believe it is always written so by them. I have never seen the testator, to my knowledge; I never saw old Matthias.

I believe my great grandfather was only married once. I believe he must have died about middle age I suppose, from dying before the father of the testator. I suppose this from the will of Matthias the elder. I have a copy of that. I can't state, from my own knowledge, who was the wife of my great grandfather. I have heard very little, except about the males, of the family. The pedigree of the family has not been talked over, since the death of the testator, many times. It was as much talked of before as since. I can't say I know as much of the pedigree in the female line as in the male, so far back. I have heard that the first wife of my grandfather was named West. I cannot state what the family name of his second wife was. I lived some years with my grandfather, when he married his second wife. Her christian name was Betty. I have a deposition made by my father which accompanied these papers: I have read it over once. I gave it to Mr. Broom, after I had once perused it, and have not read it since. I believe Matthias, the testator, was born in Philadelphia; I learnt that from my father. I can't say where his father was married to Miss Hartley. I believe it was in this country. I believe it was about the time of the testator's death I heard this. I heard it from my father.

I can't tell the name of my father's solicitor. These papers were made up by Henry Hargrave. He is a solicitor at Blackburn, in Lancashire, about ten miles from my father's residence. My father paid the expenses of his papers. My father's brothers are all living, to the best of my knowledge.

I wish to explain that I do not know positively that my father was older than his sister, Mary. He is the oldest of the brothers, according, as I have always heard stated.

THOMAS ASPDEN.

Examination taken, reduced to writing, and by the witness subscribed and sworn to, the twelfth day of March, A. D. 1830, before me,

T. I. WHARTON, *Master.*

John Zane, of the city of Philadelphia, house carpenter, aged sixty-one years and upwards, being duly affirmed on the part of certain petitioners, deposes as follows:

I knew Matthias Aspden, the testator, I mean that I have seen him. I was about nine years old when he came to Haddonfield, to see my mother

before he went to England; and then I saw him. I saw him also the last time he was in Philadelphia. I lived then at Woodbury, and came to Philadelphia on purpose to see him. I think it was about 1810. My mother was his half-sister. She died in 1803 or 1804. I knew Roger Hartley. I did not know his mother. I did not know Matthias Aspden's mother. Roger Hartley was brother to my mother. He was the oldest. Ann Hartley who afterwards married William Hinchman was next to my mother. Benjamin Hartley was another. Rebecca Hartley afterwards Kay. James Hartley who died without issue. These were children of Roger Hartley, and half-brothers and sisters of Matthias Aspden. Roger Hartley the younger left children. One was Thomas, another Peter; Rebecca married one Doan. These were the children by his first wife, as I have always understood. He had also a son named Roger by his first wife. By his second wife he had Edward; another child I think was Martha, and one named Barsheba. She married one Adams. I think his first name is Thomas He was living when I heard of him last, and resides in the western country. His wife Barsheba was living last summer when I heard of her. Roger Hartley the third, lives somewhere in the western country. Some years ago, he lived in Bucks county. About twenty-five or thirty years ago, he removed to the western country. Rebecca Doan resides at Queen street, Upper Canada.

I knew Ann the wife of John Scull. She was the daughter of William Hinchman, who married Ann Hartley. She lived on Timber creek, and previously had lived with my mother. Ann Scull is dead. John Scull is also dead. They left children, viz. Keziah, who died a young woman unmarried, and without children, between thirty and forty years ago. Joseph was the next child of Ann Scull; he was living about a year ago. Next was Ann, married John Shannon, a house carpenter; both were living about a year ago. Next is John, he is also living. Next is Rebecca, who married Thomas Stiles, both are living. Next Ruth, who married John Middleton; they were living about a year ago. I heard a report last christmas that Ruth was dead, but I do not know that it is true. William is the next child of Ann Scull; he was also living the last time I heard of him. They all reside in the western country as I have heard and believe. Roger Hartley, the father of Barsheba Adams and of Edward Hartley, has been dead for twenty-five years and upwards.

JOHN ZANE.

Examination taken, reduced to writing, and by the witness subscribed and affirmed to, this eighteenth of March, 1830, before me,

T. I. WHARTON, *Master.*

John Keen, of Burlington county, in the State of New Jersey, barkeeper aged about thirty-nine years, being duly sworn on behalf of certain petitioners, deposes as follows:

I knew John Hinchman, the son of Ann Hinchman. I do not know his father's name. I do not know his mother's maiden name. John Hinchman lived in Moorestown, Burlington county. He had a brother named James, who is dead. I never knew any of his sisters. As near as I can recollect, John Hinchman has been dead about twelve years. He left eight children that I knew. Hannah is the oldest: she married, but I do not remember the name of her husband: she is living somewhere in Philadelphia

Elizabeth was the next child of John Hinchman: she married Thomas Hollingshead, and is living near Moorestown. John is the next child: he is living on Rancocas creek, in New Jersey. Ann is the next: she is living, and I believe unmarried, in Pennsylvania; I believe somewhere in the neighborhood of her sister Hannah. Jacob I think is next: he is living in Burlington county, near Moorestown. Rebecca is the next: she is living, I believe unmarried; I do not know exactly where, but believe in Pennsylvania. William Hinchman, is the next: he resides in Moorestown, and is here present. Catharine is the next: she is living, unmarried I believe, in Pennsylvania. These are all that I knew. There is no other within my knowledge.

JOHN KEEN.

Examination taken, reduced to writing, and by the witness subscribed and sworn to, this eighteenth day of March, 1830, before me,

T. I. WHARTON, *Master.*

William Hinchman, of Moorestown, in the county of Burlington, and State of New Jersey, carpenter, aged twenty-six years and upwards, being duly affirmed, deposes as follows:

Hannah, the daughter of John Hinchman, is my sister. She married Joseph White, and resides near Holmesburgh, in the county of Philadelphia. My sister Ann is unmarried, and resides at present in Burlington county. My sister Rebecca is living and unmarried, in Burlington county. My sister Catharine is married to Joseph Heritage, both are living and reside near Holmesburgh. I have five sisters and two brothers. My sisters are Hannah, Ann, Catharine, Rebecca, and Elizabeth. My brothers are John and Jacob.

WILLIAM HINCHMAN.

Examination taken, reduced to writing, and by the witness subscribed and affirmed to, this 18th day of March, A. D. 1830, before me,

T. I. WHARTON, *Master.*

James H. Maxwell, of Germantown, in the county of Philadelphia apothecary, aged about forty years, being duly sworn on the part of certain petitioners, deposes as follows:

I know John Aspden; have been personally acquainted with him, as near as I can tell, twenty years and upwards. At present he resides at a place called Rottensdale, as I understand. It is in the county of Lancaster, in England. When I left England, nine years ago last May, he resided at New Church, a mile or two distant from Rottensdale. He is a machine maker. I should expect he must be at least sixty. He had children. There is one present in this room. His name is Thomas. He is the eldest son to the best of my knowledge. I have seen and been in company with two or three of the the brothers of Thomas Aspden. I do not know any thing of the ancestry of John Aspden, the father of Thomas. I have been personally acquainted with Thomas Aspden for upwards of fifteen years. I came from Lancashire.

I know the hand writing of William Gray. I was a vestryman of the church of which he was the incumbent, before he was made magistrate. The writing exhibited to me purporting to be the signature of "William

Gray, one of his Majesty's justices of the peace, in and for the county of Lancaster," to the probate of a deposition signed Thomas Hardman, is, I am confident, the hand writing of the said William Gray. I think it is his hand writing. I am well acquainted with his signature. I cannot say that I know his hand writing generally.

Being cross-examined, the witness says: I have seen William Gray write. I have been witness to marriages, baptisms and burials in his presence scores of times, and have frequently seen him write his name on those occasions. I do not know any thing of his being made a magistrate, except from what I have heard since I came to this country.

He was curate of the parish church of Haslingden, in the county of Lancaster. Dr. Whitaker was the vicar at that time. He resided at a place called Holmes' Chapel. I suppose about six or seven miles from Haslingden.

JAS. H. MAXWELL.

Examination taken, reduced to writing, and by the witness subscribed and sworn to, this eighteenth day of March, 1830, before me.

T. I. WHARTON, *Master.*

Thomas Aspden being again called to prove that William Gray, before whom the probate of a deposition signed Thomas Hardman was made, is an acting magistrate residing in England, deposes as follows:

I have known William Gray to be an officiating minister of the church for about fourteen years. He has been an acting magistrate for about five years, as near as I can recollect. I have seen divers warrants that have been signed by him, summonses, and other business of a magistrate. I have been several times in the sessions' room when he has been on the bench. On one occasion I have seen him called out to quell a mob that was breaking power looms. He acted as a magistrate on that occasion,and a number of the depredators were taken into custody. I have also had a warrant signed by him on my own occasion, for a person who had been committing some depredations on my property. I do not know, of my own knowledge, that he was an acting magistrate on the 3d of October, 1829, any more than from the documents. I have been in this country three years and a half, and have not been to England since. I resided within less than two miles of Haslingden, and knew him personally.

THOS. ASPDEN.

Examination taken, reduced to writing, and by the witness subscribed and sworn to, this 18th day of March, 1830, before me,

T. I. WHARTON, *Master.*

Edmund Ingham, at present residing in the county of Philadelphia, weaver, aged thirty-one years, being duly sworn on behalf of John Aspden, deposes as follows:

I came from Rossendale in Lancashire in England. I came from there about the 17th or 18th of October last. I knew William Gray there; he was a preacher of the Gospel, and a justice of the peace. I never saw him act as a justice of the peace. I never was before him. I have never been in court when he was acting. Mr. Gray was alive on the 3d of October last, 1829, and resided in Haslingden. Never heard of his being removed

from the office of justice of the peace, or losing it. I lived three miles from Mr. Gray's residence. Never heard of his being left out of the commission.

No cross examination.

EDMUND INGHAM.

Examination taken, reduced to writing, and by the witness subscribed and sworn to, this 25th day of March, 1830, before me,

T. I. WHARTON, *Master*.

John Constantine, at present residing at Manayunk, in the county of Philadelphia, machine maker, aged about thirty nine years, being duly sworn on behalf of John Aspden, deposes as follows:

I came from New Church, in Rossendale, in Lancashire, England. I think it will be three years next May since I arrived here. I left there in April. I knew Thomas Hardman, and am acquainted with his hand writing. The signature *Thomas Hardman*, to the deposition purporting to be sworn to before William Gray on the 3d of October, 1829, is in the proper hand writing of Thomas Hardman. I knew William Gray particularly well: he was a minister and a magistrate. He was a magistrate in 1827. I have seen him act as a magistrate.

Being cross-examined, the witness says: I have seen him act as a magistrate in different cases where people were summoned before him, and they could not agree among themselves. I can't be positive as to the time in 1827. In the spring, between Christmas and summer. About eighteen months before I left England I saw him act as a magistrate. I am quite sure of it. I was summoned before him as a witness. I must be mistaken in saying that I knew him to be a magistrate in 1827, because it will be only three years next 8th of May since I came here. I have not made a mistake in saying that I was summoned before him as a magistrate. Mr. Aspden never talked to me about the evidence I was to give. He asked me if I knew Thomas Hardman, and I said yes, but not about the evidence I was to give. He asked me if I would go to Philadelphia with him. He knew that I lived neighbor to Thomas Hardman. He never asked me about Mr Gray being a magistrate. Thomas Hardman's father is a manufacturer of weaver's hills, part of the machinery. I suppose Thomas Hardman is about 22 or 23 years of age. When he did work any he assisted his father in knitting these articles for weavers. His father brought him up chiefly to schooling. I mean he sent him to school. His father supported him. He has some property. A small estate. He lives in New Church.

To the best of my recollection it was about eighteen months before I left England, that I saw Mr. Gray act as a magistrate. It was as far back as 1825, to the best of my knowledge. I have seen Thomas Hardman write his name.

JOHN CONSTANTINE.

Examination taken, reduced to writing, and by the witness subscribed and sworn to, this 25th day of March, 1830, before me.

T. I. WHARTON, *Master*.

Philip Carlan, of the township of Moyamensing, in the county of Philadelphia, Carter, aged about twenty-five years, a witness produced on behalf of Richard Aspell, being duly sworn, deposes as follows:

My mother's name was Catharine Carlan. She lived at the corner of Shippen and Sixth street, in the township of Moyamensing, and died last

January—was a year or thereabouts. I have heard her say that she was brought up in the parish of Street, in the county of Westmeath, along with Mr Robert Aspell, of Westmeath in Ireland, in the neighborhood of Robert Aspell. I have heard her say that she heard him say that he wondered how his brother Matt was coming on in America. I have likewise heard her say that this Mr. Aspell, this Robert Aspell, came from Scotland about the time of the battle of the Boyne. I have heard her say that she was well acquainted with young Matthias Aspell, and had spoke to him often. That she asked him one day in particular, when she met him in the street, who he was going to leave his property to; and he said he did not know. I have heard my mother say that she told him that he had a cousin here. The reply he made was, that he was glad to hear it. I have heard my mother tell this Mr. Aspell here, (Richard Aspell) that if he would go on to Ireland he could get any witnesses that were requisite. And he said that he had not the means to go there. I don't know what was the subject of their conversation, but I heard my mother ask this Mr. Aspell if he knew that this young Matthias Aspell was his cousin. I heard her tell him that he could obtain the necessary testimony from the minister Borrowhill church, in the parish of Street. I heard her several times talking, but can't distinctly say what it was. I heard her say that she stopped this Mr. Aspell one day in the street, and asked him if he had got his fortune yet. He said no, and she said it was there for him. I cannot tell whether my mother said Matthias *Aspell* or *Aspden*, but I understood it was Aspell.

Being cross-examined, the witness says, my mother was about fifty-nine when she died. She came to this country in the year 1793, arrived in New York. Don't know when the conversation took place between young Matthias Aspell and my mother. She told me of this first, about three or four years ago. Can't recollect the time exactly. I have known this Richard Aspell since I have been a child. Never heard her say where this Matthias Aspell lived. I never saw Matthias Aspell myself to my knowledge. I heard my mother say that this Robert Aspell had a brother named Matthias, who had a son named Matthias. She told this to us often. I mean my brothers and sisters. I have a younger brother named Edward living in this city, and one sister Catharine, single, aged about sixteen. I cannot tell whether Richard Aspel has any brothers or sisters. I have understood that he came from Ireland.

PHILIP CARLAN.

Examination taken, reduced to writing, and by the witness subscribed and sworn to, this eighth day of April, 1830, before me,

T. I. WHARTON, Master.

Prudence Berryman, of the city of Philadelphia, widow, aged eighty-seven years and upwards, being duly affirmed, deposes as follows:

I knew Rhoda Packer, who married my uncle George Hammitt; they are both dead. She died sixty years ago and upwards, and he more than thirty. They had twelve children, viz. Samuel, he is dead. He had a daughter named *Sybilla*. She married John Prickett, and is now living in New York state, I believe. He is also living. Jane was another child of Samuel; she married Caleb Bickham. I believe they are both dead. I have understood that she left two children. *William* was another child of Samuel; he has been gone these thirty-nine years. He went to the western

country and has not been heard of since. He was a single man when he went. *Sarah*, another daughter of Samuel, married John Berryman, my husband's brother. They are both dead, and left only one child named Rachael, who married, 1st, Jacob Kensell, and after his death another, who is now also dead. She is now living, and present at this examination, calling herself Glasgow. The next child of Rhoda Hammitt was Daniel, who died without children more than sixty years ago. The next child of Rhoda Hammitt was a daughter, Theodosia, who married Thomas Mannery; she is dead. He has been long absent. She had but one daughter living at the last I heard of her. I do not know her name. She is married, but I do not know to whom. She was living the last I heard of her. The next child of Rhoda Hammitt was *Rhoda*, who married William Whitton: they are both dead, and left one child, Mary, who married William Haines. I believe they are both alive. The next child of Rhoda Hammitt was Rebecca, who died many years ago unmarried. The next was Thomas, who died more than twenty years ago. He married, and his wife is dead. They had but one child, named Rachel Hammitt. I have heard that she is dead. The next child of Rhoda Hammitt was Benjamin, who died more than twenty years ago. I think he left children, but do not know whether three or five. I do not know whether his wife is dead. Joseph was the next child of Rhoda Hammitt. He died more than twenty years ago, I think, leaving children. I do not know how many. There is one residing in Philadelphia, named John. I do not know the name of any other child. His wife's name was Leah. The next child of Rhoda Hammitt was Sarah, who married John Wollahan. They are both dead. After the death of Wollahan, she married an Alberson. I do not know if he is dead. There were several children of Wollahan. I don't know if she had children by Alberson. The next child of Rhoda Hammitt was *George*—he was between Samuel and Daniel. He and his wife are both dead. He had children. 1st, Daniel, who has gone to some part of the west. He had children; and I do not know whether he is living or dead. 2d, Kezia, who married one Vickers—she is dead, leaving children; I do not know their names. 3d, Mary, I think she is living unmarried in this city. 4th, Rebecca, who married Norton. I do not know if she is living or dead. I think he left but four children living. Rhoda Hammitt had another son named John; he is dead. His widow is living.—Her name is Rachel; he left several children. I do not recollect their names. Elias was the youngest son of Rhoda Hammitt. He died more than thirty years ago, leaving one child by his first wife and several by his last; whether they are living or dead I do not know.

I knew the mother of Rhoda Packer, who married George Hammitt. I do not know her maiden name, her christian name was Rebecca. Rhoda Packer had two brothers that I knew, Samuel and Daniel Packer, and sisters, Martha, Rebecca, and a third, whose name I do not know. Rebecca married a Hartly, for her first husband.

P. BERRYMAN.

Examination taken, reduced to writing, and by the witness subscribed and affirmed to, this 21st day of October, 1830. Before me

T. I. WHARTON, *Master.*

Joshua Middleton, of the city of Philadelphia, house carpenter, aged about forty-two years, being duly affirmed on the part of certain of the petitioners, deposes as follows:

I know Anne, the daughter of Elias Hammitt. She is my first cousin. She married *Michael* Rhinehart, of the Northern Liberties of the city of Philadelphia. His name is *Michael*, not *Charles*, as stated in the evidence of Rachel Hammitt, one of the witnesses in this case. They, viz. Michael Rhinehart and Ann Rhinehart are both living.

JOSHUA MIDDLETON.

Examination taken, reduced to writing, and by the witness subscribed and affirmed to, the eighth day of August, A. D. 1831. Before me

T. I. WHARTON, *Master.*

Jacob Wolohan, of the county of Burlington, in the State of New Jersey, farmer, aged forty-eight years and upwards, being duly sworn on the part of certain of the petitioners, deposes as follows:

I know John Richards: he is here present. He has but one brother, whose name is William, and no sister that I know of. Their father's name was John Richards. He married Rachel Hammitt, the daughter of Thomas Hammitt, my uncle, who was the son of George Hammitt, my grandfather, who married Rhoda Packer. Rhoda Packer was the daughter of Philip Packer, as I have always heard and believe.

I know Hannah Cattel, who is now here—Hannah Chase. Her father's name was David. He married Mary Williams. Mrs. Chase's sisters were Sarah and Mary, and she had several brothers, namely, Jonas, Joseph, Isaac, William and David, who died young. I don't know whether the others are living or dead.

JACOB WOLOHAN.

Being re-examined the deponent says, I am the brother of John Wolohan, the son of John Wolohan who married Sarah Hammitt. My brother John died in March, 1829, leaving several children, viz. Joseph, who is living and here present. 2d, Elwood, who is also living and present. 3d, John, also living. 4th, Morgan, also living. 5th, Hamilton, also living. 6th, Elizabeth, also living, and married to Jacob Benloe. 7th, Mariamne, also living and unmarried: under age There was another, named Sarah, who died a small child, four or five years ago. These were all the children that I know of. My youngest sister, Mercy, died about twelve or thirteen years ago. She married, first, Isaac Hillman, and by him had four children. 1st, Ellis, who is living. 2d, Mariamne, also living and married to Samuel Sloan, who is also living. 3d, Amy, who is also living and unmarried. 4th, Martha, also living and unmarried. My sister Mercy married, secondly, John Mull, a shoemaker, who died at Columbia on the Susquehanna, before her. She had by him one child named Emmeline, who is living, and will be sixteen next March. She is unmarried. My sister Amy married, first, Joseph Hopper, who died many years ago. She had by him two children. 1st, Rebecca, who married William Wolf, who is living. She is dead, leaving two children, viz. William and Joseph: both under age. 2d, John, who died several years ago unmarried, and without issue. My sister Amy married, secondly, Isaac Ivens, who died many years ago. By him she had one daughter named Amy, who died nine or ten years ago, unmarried. My sister Amy died in December, 1829. I had two brothers, harles and Elias, who died several years ago unmarried, and without issue

I knew Rhoda Duffield who married James Reynolds. She died rather more than a year ago. They were living in Front, below Almond street, at the time of her death. She left several children, whose names I do not know. James Reynolds I believe is living.

JACOB WOLOHAN.

Examination taken, reduced to writing, and by the witness subscribed and sworn to, this 10th day of August, 1831, before me,

T. I. WHARTON, *Master.*

Samuel W. Clement, of the district of Southwark in the county of Philadelphia, Innkeeper, aged about forty-three years, being duly affirmed on the part of certain of the petitioners, deposes as follows:

I know Mrs. Hannah Chase. We were brought up in the same neighborhood. Her name before marriage was Hannah Cattel Her father was David Cattel. He married Mary Williams, as I have heard and believe. Their children were, 1st, Sarah, who is living, and the widow of Ellis Parker. 2d, Mary, also living, and widow of Samuel Jennings. 3d, Jonas Cattel, who is also, I believe, living. 4th, Hannan Chase, also living. Her husband's name is Joseph W. Chase, as I believe. 5th, Isaac, who I have understood is dead three or four years. I believe he was never married. I understood that he died in the Pennsylvania hospital. 6th. William, who has been absent for two or three years, I believe, but I cannot be positive as to the time: he followed the water. He was a shallopman. 7th, Joseph, who I believe is living. William was unmarried. I know of no other children. I have always understood that David, the father of these children was the son of Jonas Cattel. I do not know whom Jonas Cattel married, but I always understood that they were connected with the Carter family.

SAMUEL W. CLEMENT.

Examination taken, reduced to writing, and by the witness subscribed and affirmed to, this tenth day of August, 1831, before me

T. I. WHARTON, *Master.*

Rhoda Powell, of the city of Philadelphia, widow, aged fifty years and upwards, being duly affirmed on the part of certain of the petitioners, deposes as follows:

I know Mrs. Hannah Chase; I have known her since she was a child. Her name was Hannah Cattel. She was daughter of David Cattel, whose father's name was, I believe, Jonas. David Cattel had several children, viz. Sarah, who is living, widow of one Parker, Ellis Parker. 2d, Mary, living, widow of Samuel Jennings. 3d, Jonas, also, living. 4th, Hannah Chase, also living, and here present. 5th, William, who I believe is deceased. I have not heard of him for five or six years. He was never married. 6th, Isaac, who, I believe is deceased: he was never married to my knowledge. 7th, Joseph, who is living. These are all the children that I knew. John Wolohan was my brother. His father's name was John, who married Sarah Hammitt. John, my brother, died about two years ago last March. He left, 1st, Joseph, who is living. 2d, Elwood, also living. 3d, John, also living. 4th, Eliza, also living, and married to

Jacob Benloe. 5th, Hamilton, also living. 6th, Susan, living and unmarried, and under age. 7th, Morgan, also living. 8th, Emmeline, also living and unmarried.

RHODA POWELL.

Examination taken, reduced to writing, and by the witness subscribed and affirmed to, this tenth day of August, A. D. 1831, before me.

T. I. WHARTON, *Master.*

Elizabeth Hinchman, of Moorestown, in the State of New Jersey, widow, aged about sixty-six years, being duly affirmed, deposes as follows:

The names of the children of John Hinchman, are, 1st, Hannah, married to Joseph White, and living. 2d, Elizabeth, married to Thomas Hollingshead, also living. 3d, Ann, single, also living. 4th, John, living. 5th, Jacob, also living. 6th, Rebecca, single, also living. 7th, William, living. 8th, Catharine, married to Joseph Heritage. They are all living.

ELIZABETH HINCHMAN.

Examination taken, reduced to writing, and by the witness subscribed and affirmed to, this sixteenth day of September, A. D. 1831, before me

T. I. WHARTON, *Master.*

James Edgar, of the city of Philadelphia, carpenter, aged forty-eight years and upwards, being duly sworn, deposes as follows:

I knew Edward Packer. He was called Edward E. Packer. His mother's name was Barsheba. He resided in the city. He died about a year ago. He left children, John A. Packer, James, Maria D., Charles B., Anna, Margaret and Edward E. Packer. I was made executor of his will.

JAMES EDGAR.

Examination taken, reduced to writing, and by the witness subscribed and sworn to, this 16th day of September, A. D. 1831, before me

T. I. WHARTON, *Master.*

Hannah Sophia Packer, of the city of Philadelphia, widow, aged about forty-two years, being duly sworn, deposes as follows:

The name of the father of Edward E. Packer, was John Packer. His father's name was Samuel Jones Packer. Edward E. Packer died about two years ago, on the 23d of November, 1829. One of Edward Packer's brothers was named James. He died last winter. Two sisters, one named Martha, married to John Stewart; the other, Mary, married John Derrickson. The names of the children of Edward E. Packer, are John A., Henry, James E., Maria B., Charles B., and Anna Margaret. Ellen died a little girl. The youngest is Edward E. Packer.

her
HANNAH SOPHIA ⋈ PACKER.
mark

Examination taken, reduced to writing, and by the witness subscribed and sworn to, this 16th day of September, A. D. 1831, before me

T. I. WHARTON, *Master.*

SAMUEL PACKER, a citizen of the State of New Jersey,
vs.
HENRY NIXON, esquire, a citizen of the State of Pennsylvania, executor of the testament and last will of MATTHIAS ASPDEN, esquire, late a citizen of the same State. } *In Equity.*

The President of the United States, to the Rev. John Ashworth, of Blackburn Hundred, in the county of Lancaster, in England, and William Gray, of Haslingdon, in the county of Lancaster, now, or late, one of His Majesty's justices of the peace, for said county, esquires, or either of them, commissioners nominated on the part and behalf of John Aspden, and to the mayor, chief burgess, or other chief officer of Rawtonstall, in the county of Lancaster, or any master extraordinary in chancery otner than the commissioner on the adverse part, commissioner nominated on the part and behalf of the parties claiming adversely to John Aspden, greeting:

Know ye that, in confidence of your prudence and integrity, we have given unto you, and by these presents do give unto you full power and authority, in pursuance of a rule lately made in the circuit court of the United States, in and for the district of Pennsylvania, in the third circuit, in a certain action in equity therein depending, wherein the said Samuel Packer is complainant, and the said Henry Nixon, esquire, executor of the testament and last will of Matthias Aspden, esquire, is defendant, to call before you at a certain day and place, by you for that purpose to be appointed, all and every person and persons who may be named to you by the said John Aspden, and the parties claiming adversely to him, as witnesses in the said action, and then and there to examine them, on their respective oaths and affirmations, on certain interrogatories, hereunto annexed, touching the premises, and to reduce their testimony to writing; and when you shall have so done, you are to send the same to the said circuit court, closed up, and under your seals, plainly and distinctly set, together with this writ.

Witness the honorable John Marshall, Chief Justice of the Supreme Court of the United States, at Philadelphia, this seventeenth day of November, A. D. 1830, and in the fifty-fifth year of the independence of the said United States.

D. CALDWELL, *Clerk Circuit Court.*

In the Circuit Court of the United States of America.—District of Pennsylvania.

SAMUEL PACKER, complainant,
vs.
HENRY NIXON, executor of the will of MATTHIAS ASPDEN, defendant.

Interrogatories to be administered to witnesses, to be produced, sworn or affirmed, and examined, on the part of John Aspden, of Rawtonstall, in the county of Lancaster, in England; a claimant in the above cause.

First. Do you know the parties, complainant and defendant, in the title of these interrogatories named, or either, and which of them, and how long have you known them, respectively?

Second. Do you know the said John Aspden? If yea, how long have you known him, and where has he hitherto resided, and where does he now reside?

Third. Do you know, or have you been credibly informed, and by whom, who was the father, and grand father, and great grand father of the said John? if yea, name the same, respectively, and whether or not the said John was the eldest son of his father, and whether or not the said John's father and grand father were or were not the eldest sons respectively, of their respective fathers. Declare your whole knowledge herein, whether from general reputation or otherwise, specifying the source of such knowledge.

Fourth. Have you any further knowledge, by general reputation or otherwise, and state how, of the pedigree of the said John Aspden, and of Matthias, son of Matthias Aspden, who lately died in London, or of either? if yea, state the same fully and at large.

Fifth. Have you ever received, or do you know of any letter or letters from the said Ma thias Aspden, making inquiries concerning his family in Lancaster county, in England? if yea, please to annex the same, and say whether the same are in his handwriting.

Sixth. Look upon the paper writings now produced and shown to you, (and which the commissioners will please to identify with their marks and signatures) and say whether you did compare and examine the same with the register of any, and what parish and place, book or books, entry or entries, or not? if yea, does the same contain a true copy of such register, book or books, entry or entries, with which you so examined them, or not? Declare—

Seventh. Had you any correspondence with the said Matthias Aspden, late of London, respecting his family connexions in Lancaster county aforesaid? if yea, please to annex copies of your letters, stating how they were respectively sent, and the letter or letters from said Matthias to you.

Lastly. Do you know of any other matter or thing which may be of importance to the said John Aspden in this suit? if yea, relate the same fully and at large, as if you had been thereunto particularly interrogated.

JAMES M. BROOM,
for John Aspden.

Cross-interrogatories to be administered to the witnesses who may be examined upon interrogatories on the part of John Aspden, of Rawtonstall, in the county of Lancaster, in England, a claimant in the above cause.

Interrogatory 1. If you answer affirmatively to the claimants second interrogatory, state how the said Aspden spells his surname, how long he has spelt it so, how his father and grand father respectively spelt it.

Interrogatory 2. If you answer affirmatively to the claimant's third interrogatory, state when you first acquired your knowledge, where, and from whom.

Interrogatory 3. If you answer affirmatively to the claimant's fifth interrogatory, state where you received the letter or letters to which you depose, from whom you received it or them, and at what time or times. State whether you know of any reply being sent to the said letter or letters, when and by whom.

Interrogatory 4. If you answer affirmatively to the claimant's seventh interrogatory, state whether you have any letters from Matthias Aspden, acknowledging the receipt of any letter from you, of which you may have exhibited a copy or copies. If you have such letter or letters, annex them.

Interrogatory 5. Have you advised with any person concerning the answer or answers that you were to give under this commission? If

with whom particularly. Have you named all such person or persons? Have you been previously examined under oath or otherwise upon the subject of the claimant's interrogatories? If aye, state when, where, and by whom. Have you any promise or agreement from or with the claimant, John Aspden, or any one else, in regard to compensation or participation, in what he may recover in this cause? Do you know of any such promise or agreement by the said John, or any one else, in his behalf, with any other person or persons? If aye, state.

Interrogatory 6. What is your profession or calling, what your age, where were you born, what is your place of residence, how long have you lived there, in what part of the said place is your habitation, naming street, number or other particular designation of the house in which you dwell? Where did you last dwell before you came to your present residence? What is your affinity or relationship to the said John Aspden?

HOR: BINNEY,
In behalf of G. Harrison, &c.

True copies—13th November, 1830.
D. CALDWELL, *Clerk Circuit Court.*

Depositions of witnesses.

Produced, sworn, (or affirmed) and examined on the seventeenth day of January, in the year of our Lord one thousand eight hundred and thirty-one, and by adjournment, on the eighteenth day of the same month, January, at the house of George Pickup, known by the name or sign of the Commercial inn, within the market-town of Haslingdon, in the parish of Whalley, in the county of Lancaster, in that part of the united kingdom of Great Britain and Ireland, which is called England, by virtue of a commission issued out of the circuit court of the United States, in and for the district of Pennsylvania, in the third circuit to us, in the manner therein set forth directed, for the examination of witnesses, in a certain cause depending in the said court, wherein Samuel Packer is complainant, and Henry Nixon, esquire, executor of the testament and last will of Mathias Aspden, esquire, is defendant.

Richard Chippindale, of Henfield, in the township of Clayton le Moors, in the parish of Whalley, in the said county of Lancaster, laborer, aged eighty-two years, being produced, sworn, and examined, on behalf of the claimant, John Aspden, deposeth as follows:—

To the first interrogatory, on the part of the said claimant, he deposeth as follows: That he doth not know the parties, complainant or defendant, in the title of the interrogatories named, or either of them

To the second interrogatory on the part of the said claimant, he deposeth as follows: That he knows the said John Aspden, and has known him since he was a lad of a few years of age, at which time he lived with his father, Thomas Aspden, who was then a clogger at Blackburn, in the county of Lancaster, but who had shortly before lived at a place called Cliff, within Great Harwood, which is about four miles from Blackburn, aforesaid, and that when he lived at Cliff aforesaid, the said Thomas Aspden was both a clogger and ale-house keeper, and kept a house known by the sign of the clog. That at the time the said Thomas Aspden lived in Blackburn, this deponent drove coal horses, which carried coals to Blackburn and other

places, and that he frequently took clogs for different people living near Henburn bridge, which is about five or six miles from Blackburn, (and where this deponent then lived) backwards and forwards, to and from the shop of the said Thomas Aspden, at which time he well remembers the said John Aspden, living with his father. That the deponent remembers the said Thomas Aspden removing from Blackburn to Rochdale, a town about eighteen or twenty miles distant from Blackburn, and situate in the same county, and that his son, the said John Aspden, removed with him; and that the said John Aspden has resided for many years in the forest of Rosendale, which is about eight or nine miles from Rochdale, and six or seven from Henfield, and this deponent has heard, and believes, that the said John Aspden is now in America, but only knows the fact from general report.

To the third interrogatory, on the part of the said claimant, he deposeth as follows:—That he knew the father of the said claimant, and both his first and second wife, very well, many years. That the said claimant's father's name was Thomas Aspden, and that he lived at Cliff, within Great Harwood, aforesaid, and was an ale-house keeper and clogger, and that he married to his first wife one Mary West, who was the mother of the said claimant; and that the said claimant was their eldest son, but whether he was born at Cliff, and taken with them to Blackburn, or whether he was born in Blackburn, this deponent is unable to state, but he recollects them all living together at Blackburn some years, and afterwards removing to Rochdale, and living some time there; that Thomas' first wife died at Rochdale, and he afterwards married one Alice Dugdale, of Whalley, but had no family by her. That the said Thomas Aspden returned from Rochdale into the township Great Harwood, and farmed a place there called Top 'oth Moor, and afterwards lived at Lowerfold, at both which places he carried on the trade of a clogger. That he afterwards removed again to Blackburn, where he died about twelve years ago, and was buried at Great Harwood church; and this deponent recollects that he happened to be passing Great Harwood church, at the time of the funeral of the said Thomas Aspden, and learnt at the time, that the corps was brought from Blackburn; and that this deponent also knew William Aspden, who was the grand-father of the said John Aspden, and the father of the said Thomas Aspden, which William Aspden at one time lived, and worked, as a laborer at Mitten Hall, at the time this deponent was a lad of seven or eight years of age, and lived with his father at Henburn Bridge near Whalley, and about four miles and a half from Mitten Hall, who kept a pack of Galloways, which this deponent frequently drove past Mitten Hall, to Chipping and other places. That William a remarkable strong built man, and was noted for carrying great weights, and it is reported of him, that when he lived at Mitten Hall, he once carried eighteen bushels of black corn on his back two hundred and fifty two yards, for a wager. That he had a scar or cut on his right cheek, and that part of his right ear had been bitten off, and lads used to call him Crop, and provoked him to run after them. That William Aspden died at Lowerfold, within Great Harwood, and was buried at Great Harwood church, about seventy years ago, at which time this deponent lived at Henburn Bridge aforesaid, which is about a mile and a half from Great Harwood. That the said Thomas Aspden, was the eldest son of the said William Aspden, who had only one other son called Nathaniel, and he was younger than Thomas; and this deponent never knew the great-grandfather of the said claimant or whether the said William Aspden, was the eldest

son of his father, but this deponent never knew any elder brother of William.

To the fourth interrogatory on the part of the said claimant, he deposeth as follows:—That when he was a boy about ten or eleven years of age, and lived with his father at Henburn Bridge aforesaid, which is about three miles and a half from Whalley, he was in the habit of driving his horses with coal to Whalley, every day, sometimes three times a day. That at that period, he recollects Matthias Aspden, being resident at Whalley for some time, but he cannot say how long That he was living there for the benefit of his health and got better before he left. That he lived near the church yard, and had been abroad and was called a merchant, and reported to be worth a deal of money. He wore a cocked hat and had his hair tied, and ruffles to his hands, and wore three rings, two upon the fingers of his left hand one on his right hand. He used to be thus dressed when he walked about Whalley-street. He walked with a very handsome walking stick; it had silver let in below the gib, and again about the middle of the stick. That this deponent often saw Mr. Aspden, whilst he was at Whalley, and he frequently took a glass of ale at Thomas Mercer's, who kept ale where Wigglesworths afterwards lived. That he used frequently to talk and joke with this deponent about coals, he having something to do, it was said, with coals at New-Castle, and that he had a boy with him, who was called young Aspden, who used to tease another boy, called James Ashworth (but who went by the bye name of Bocking,) who used to carry coals with this deponent. Young Aspden was a very rough boy, and used to ride the coal galloways. That Mr. Aspden who came to Whalley, was a younger brother of William Aspden, the father of Thomas, and was so called and considered by every body, though William was in much humbler circumstances—and this deponent also knew Nathaniel Aspden, the younger brother of the said Thomas Aspden, and Mary his sister, who married George Dyson, and Margery another sister, and Ann another sister, who married Lawrence Walmsley—and this deponent also knew the children of the said Thomas Aspden, (that is to say) Mary, who married John Ashworth, and is dead, the said John Aspden, the claimant, Andrew, Mathias, Nathaniel, (deceased,) and George—and this deponent further saith, that he hath no knowledge of Mathias Aspden, in the said fourth interrogatory, stated to have lately died in London, unless he were the boy who was with the said Mr. Aspden at Whalley, and was called, and as this deponent believes, was in fact his son.

To the fifth interrogatory on the part of the said claimant, he deposeth as follows:—That he does not know of any letter or letters, from Mathias Aspden in this interrogatory named, making enquires concerning his family in Lancaster county in England.

To the sixth interrogatory on the part of the said claimant, he deposeth as follows:—That he is a stranger, to the matters in the said sixth interrogatory enquired after, and knows nothing about the same.

To the seventh interrogatory on the part of the said claimant, he deposeth as follows:—That he has no correspondence, with the said Mathias Aspden, late of London, respecting his family connections in Lancaster county afororesaid.

To the last interrogatory on the part of the said claimant, he deposeth as follows:—That he doth not know of any other matter or thing, which may be of importance to the said John Aspden, in this suit.

To the first cross interrogatory he deposeth as follows:—That he does not know how the said John Aspden, spells his surname, or how long he has spelt it so, or how his father or grandfather, respectively spelt it, but he knows that it is generally pronounced as if it was spelt Aspin.

To the second cross-interrogatory he deposeth as follows:—That he first acquired his knowledge of the said John Aspden, and his father and grandfather, by living in their neighbourhood when he was a boy, at Henburn Bridge, near Great Harwood aforesaid, and associating with them, and their family, and relations.

To the third cross interrogatory he deposeth as follows:—That he hath not answered affirmatively to the claimants fifth interrogatory.

To the fourth cross interrogatory he deposeth as follows:—That he hath not answered affirmatively to the claimants seventh interrogatory.

To fifth cross interrogatory he deposeth as follows:—That he hath not advised with any person, concerning the answer or answers, that he was to give under this commission, but that he was waited upon at his own house, by George Aspden, the younger brother of the said claimant, on Christmas day last, and also on the fifth day of January instant, by whom he was desired to attend at the Cross Axes public house at Great Harwood aforesaid, on Thursday the sixth day of January inst. at which last mentioned place and time, he was met by Mr. Henry Hargraves, an Attorney, who enquired what this deponent knew respecting the family of the said claimant, and took down some memorandums of the information, which this deponent then gave him, but he was not examined upon oath, by the said Henry Hargreaves. That this deponent, hath no promise, or agreement from, or with the claimant John Aspden, or any one else, in regard to compensation or participation in what he may recover in this cause, and this deponent does not know of any such promise or agreement by the said John, or any one else, on his behalf with an other person or persons.

To the sixth cross interrogatory, he deposeth as follows:—That he is, by calling, a laborer or gatherer of dung for Messrs. Fort & Brothers of Oakenshaw, near Henfield aforesaid, Calico Printers; and will be eighty-three years of age on the first day of old March next: That he was born at Waddington, in the West Riding of the county of York: That his place of residence is at Henfield in the township of Clayton le Moors, in the parish of Whalley in the county of Lancaster: That he has lived there for the space of four years last past: That the place of his said habitation is not in any street, or known by any number or other particular designatiou except that it adjoins to the west side of the turnpike road there: That before he came to his present residence he last dwelt at the village of Tottleworth, within the township of Rushton and parish of Blackburn, in the said county of Lancaster, and that he has not any affinity or relationship to the said John Aspden.

His
RICHARD ✕ CHIPPINDALE.
mark.

Sworn before us.
JOHN ASHWORTH,
WILLIAM GRAY.

John Wolstenholme of Great Harwood aforesaid, Shuttlemaker, aged seventy-eight years, being produced, sworn and examined on behalf of the claimant John Aspden, deposeth as follows:

To the first interrogatory on the part of the said claimant, he deposeth as follows:—That he doth not know the parties, complainant or defendant in the title of the interrogatories named, or either of them.

To the second interrogatory on the part of the said claimant, he deposeth as follows:—That he formerly knew the said John Aspden, but has not seen him for a great number of years and thinks he should not recollect him if he were now to see him; and recollects his being born at Cliff within Great Harwood aforesaid, at the time his father kept ale there at the sign of the Clog, and was also a clogger: That he recollects Thomas the father of John the claimant, removing from Cliff to Blackburn aforesaid with his family, and frequently saw the said Thomas Aspden and his family whilst residing in Blackburn; though he has no individual recollection of John the claimant, in Blackburn. And that the said Thomas Aspden afterwards removed with his family from Blackburn aforesaid to Rochdale, a town eighteen or twenty miles distant from Blackburn: That this deponent has no particular recollection of the said John Aspden the claimant, after the time of his leaving Cliff aforesaid, but he has heard that he has lived in Rossendale aforesaid many years, and that he is now gone to America, but only knows these facts from general report.

To the third interrogatory on the part of the said claimant, he deposeth as follows: that he knew the father of the said claimant, and recollects his marriage with his first wife Mary West, who was the mother of the said claimant: that the claimant's father's name was Thomas Aspden, and that he lived at Cliff, within Great Harwood aforesaid, and was an ale house keeper and clogger then. And that the said claimant was the eldest son of the said Thomas Aspden and Mary his wife: that the said Thomas Aspden after the death of his first wife, married one Alice Dugdale, of Whalley, but had no child by her, to this deponent's knowledge: that this deponent recollects the said Thomas Aspden returning from Rochdale to a farm called Topoth Moore, within Great Harwood aforesaid, where he lived some years, that afterwards removed to Lowerfold, within Great Harwood aforesaid, and also farmed there under Lawrence Hindle, tanner, and at the same time followed the trade of a clogger: that the doponent does not know of his own knowledge whether the said Thomas Aspden died at Lowerfold, in Great Harwood aforesaid, or at Blackburn, but he recollects that he was buried at Great Harwood church. And that this deponent also knew William Aspden, who was the grandfather of the said claimant John Aspden, and the father of the said Thomas Aspden, and which said William Aspden lived at Lowderfold in Great Harwood aforesaid, and died there, and was buried at Great Harwood church, about seventy years ago: that the deponent never remembers the said William Aspden living any where else but at Lowerfold, where he had a small farm, and used to sell bacon occasionally, in the spring time, at which time the deponent lived, and has ever since lived in the township of Great Harwood: that deponent has heard that the said William Aspden had a snip out of his ear, but never examined the ear himself, and only knows that fact from report: that the said Thomas Aspden was the eldest son of the said William Aspden; and this deponent never knew the great grandfather of the said claimant, or whether the said William Aspden was the eldest son of his father, but never heard tell to his knowledge of any elder brother that William had.

To the fourth interrogatory on the part of the claimant, he deposeth as follows:—That when he was a lad he recollects people talking of Matthias

Aspden being over at Whalley, who was reported to be brother to the said William Aspden, though this deponent never saw the said Matthias Aspden: That he was reported to be a man of property and to have been in America; and deponent thinks that Mary Aspden the sister of the said Thomas Aspden, and neice of Matthias Aspden, returned with him to America when he left Whalley; and that the said Mary Aspden afterwards returned to England and married one Mr Dyson. And this deponent also knew Nathaniel Aspden the younger brother of the said Thomas Aspden, and Mary his said sister, and Margery another sister, and Ann wife of Lawrence Walmsley. And this deponent also knew the children of the said Thomas Aspden, viz. Mary, John Aspden the claimant, Andrew, Matthias, Nathaniel, (dead) and George. And this deponent further deposeth, that he knows nothing of Matthias Aspden in said the fourth interrogatory stated to have lately died in London, except that old folk used to say, that when Matthias Aspden died, the Aspden's would come in for a large sum of money, as they were his next heirs.

To the fifth interrogatory on the part of the said claimant, he deposeth as follows:—That he does not know of any letter or letters from Matthias Aspden in this interrogatory named, making inquires concerning his family in Lancaster county, in England.

To the sixth interrogatory on the part of the said claimant, he deposeth as follows:—That he is a stranger to the matters in the said sixth interrogatory inquired after, and knows nothing about the same.

To the seventh interrogatory on the part of the said claimant, he deposeth as follows:—That he has had no correspondence with the said Matthias Aspden, late of London, respecting his family connections in Lancaster county afosesaid.

To the last interrogatory on the part of the said claimant, he deposeth as follows:—That he does not know of any other matter or thing which may be of importance to the said John Aspden in this suit.

To the first cross-interrogatory he deposeth as follows: That he does not know how the said John Aspden spells his surname, or how long he has spelt it so, but he thinks that his father, and grandfather, respectively always spelt it either "Aspden," or "Aspdin;" although it is generally pronounced about Harwood as if it were spelt "Astin."

To the second cross interrogatory, he deposeth as follows: That he first acquired his knowledge of the said John Aspden, and his father, and grandfather, by living near them at Great Harwood aforesaid, when he was a boy, and associated with them, and their family, and relations.

To the third cross-interrogatory, he deposeth as follows: That he hath not answered affirmatively to the claimant's fifth interrogatory.

To the fourth cross-interrogatory, he deposeth as follows: That he hath not answered affirmatively to the claimant's seventh interrogatory.

To the fifth cross-interrogatory, he deposeth as follows: That he has not advised with any person, concerning the answer or answers, that he was to give under this commission, but on Thursday the sixth day of January instant, he was called into the Cross Axes public house, at Great Harwood aforesaid, when he was questioned by Mr. Henry Hargreaves, attorney at law, as to what this deponent knew respecting the family of the said claimant, who took down some memorandums of the information which this deponent then gave him, but he was not examined upon oath by the said Hen-

ry Hargreaves—that this deponent hath no promise, or agreement from, or with the claiment John Aspden, or any one else, in regard to compensation, or participation, in what he may recover in this cause, and this deponent does not know of any such promise, or agreement by the said John, or any one else, on his behalf with any other person or persons.

To the sixth cross-interrogatory, he deposeth as follows: That he is by calling a shuttle maker, and will be seventy-nine years of age the first week in June; that he was born at Clayton le Moors, in the parish of Whalley, in the said county of Lancaster—that his place of residence, is at Great Harwood aforesaid, that he has lived there for the space of seventeen years, last past, that the place of his said habitation, is in the principal street, in what is called the lower town of the village of Great Harwood aforesaid, but the same is not known by any number, or other particular designation—that before he came to his present residence, he last dwelt in another house, in the same village, about forty or fifty yards distant, and has continued to live in the said township of Great Harwood for the last seventy-seven years or thereabouts, and that he has not any affinity or relationship to the said John Aspden.

JOHN WOLSTANHOLME.

Sworn before us,
JOHN ASHWORTH,
WILLIAM GRAY.

John Clayton, of Great Harwood aforesaid, weaver, aged seventy-eight years, being produced, sworn and examined, on the behalf of the claimant John Aspden, deposeth as follows:

To the first interrogatory on the part of the said claimant, he deposeth as follows: That he doth not know the parties, complainant or defendant, in the title of the interrogatories named, or either of them.

To the second interrogatory on the part of the said claimant, he deposeth as follows: That he knows the said John Aspden, and has known him since he was a child, well recollecting him living with his father, above sixty years ago, at the time he (the father,) lived at Cliff, within Great Harwood aforesaid, and was an ale-house keeper and clogger—that the deponent, recollects the said John Aspden afterwards living with his father in Blackburn, in which town the deponent remembers the father, living in different places—and that he afterwards removed to Rochdale, but cannot say which of his family he took with him—and has understood that the said John Aspden, has lived for many years, and up to the time of his going to America, in Rossendale, which is about ten miles distant from Great Harwood, the place where this deponent has always resided, and consequently the deponent has only been in the habit of seeing him latterly, when he has come over to Great Harwood. That the deponent hath been informed that the said John Aspden is now in America, but does not know the fact of his own knowledge.

To the third interrogatory on the part of the said claimant, he deposeth as follows: That he knew the father of the said claimant, whose name was Thomas, and Mary his first wife, very intimately, and recollects their keeping an ale-house at Cliff, within Great Harwood, and following the trade of a clogger at the same time; and remembers their leaving Cliff above sixty years ago, and removing to Blackburn where he followed the trade of a clogger,

and lived on the left hand side of Church street. That they lived some years in Blackburn, and regularly clogged during that period, for the deponent, and his family, who frequently called when he went to Blackburn. That the said John Aspden the claimant, was the eldest son of the said Thomas Aspden and Mary his wife, who afterwards left Blackburn, and went to reside at Rochdale. The deponent recollects hearing of the death of Thomas' first wife, but cannot state where Thomas resided at the time—and that he afterwards married an aged woman, of the name Dugdale, whom he should have had before he married his first wife. That the deponent remembers the said Thomas Aspden, returning from Rochdale, into the township of Great Harwood, and farming a place called Top oth Moor, just above the place where this deponent now lives, and afterwards living at a place, called Lower fold, in Great Harwood, at both which places he was a clogger—and that he either died at Lower-fold, or lived there very shortly before his death, for he recollects seeing him there when he was very unwell, and was buried at Great Harwood church. That this deponent also knew William Aspden, who was the grandfather of the said John Aspden, and the father of the said Thomas Aspden, and which said William Aspden, at the time the deponent knew him, lived at Lower-fold in Great Harwood aforesaid, in the same house in which his son Thomas afterwards lived; that the deponent recollects the said William Aspden, and Martha his wife, perfectly well, and knew that the said William Aspden, died at Lower-fold, in Great Harwood aforesaid, about seventy years ago, at which time the deponent lived at a place called Back of Bowley, which is within Great Harwood aforesaid, and that the said William Aspden, was buried at Great Harwood church. That the said Thomas Aspden, was the eldest son of the said William Aspden: and this deponent never knew, or was informed, who was the great grandfather of the said claimant, or whether the said William Aspden, was the eldest son of his father, but this deponent never knew or heard of any elder brother that the said William had.

To the fourth interrogatory on the part of the said claimant, he deposeth as follows: That above or about seventy years ago, the deponent remembers that Matthias Aspden, who people said had been in America, and was called William Aspden's brother, coming over to Great Harwood; and that the deponent saw him, and his hat was cocked up in three; and this deponent also knew Nathaniel Aspden, the younger brother of the said Thomas Aspden, and his three sisters, Mary, (who married Mr. Dyson, a schoolmaster in Yorkshire,) Margery, and Ann, (who married Lawrence Walmsley;) and this deponent also knew the children of the said Thomas Aspden, viz. John Aspden, the claimant, Andrew, Matthias, Nathaniel, and George. And this deponent further saith, that he hath no knowledge of Matthias Aspden, in the said fourth interrogatory stated to have lately died in London.

To the fifth interrogatory on the part of the said claimant, he deposeth as follows: That he does not know of any letter or letters from Matthias Aspden, mentioned in the interrogatory, making inquiries concerning his family in Lancaster county, in England.

To the sixth interrogatory on the part of the said claimant, he deposeth as follows: That he is a stranger to the matters in the said sixth interrogatory inquired after, and knows nothing about the same.

To the seventh interrogatory on the part of the said claimant, he deposeth as follows: That he has had no correspondence with the said Matthias Aspden, late of London, respecting his family connexions in Lancaster county aforesaid.

To the last interrogatory on the part of the said claimant, he deposeth as follows: That he does not know of any other matter or thing of inportance to the said John Aspden in this suit.

To the first cross-interrogatory, he deposeth as follows: That the said John Aspden spells his surname, "Aspden," and that he has always spelt it so—and that his father and grandfather respectively spelt it in the same way.

To the second cross-interrogatory, he deposeth as follows: That he has acquired his knowledge of the said John Aspden, and his father and grandfather, by living in Great Harwood all his life and associating with them and their family and relations.

To the third cross-interrogatory, he deposeth as follows: That he hath not answered affirmatively to the claimant's fifth interrogatory.

To the fourth cross-interrogatory, he deposeth as follows: That he hath not answered affirmatively to the claimant's seventh interrogatory.

To the fifth cross-interrogatory he deposeth as follows: That he hath not advised with any person concerning the answer or answers that he was to give under this commission—but on Thursday, the sixth day of January inst. he was asked at the Cross Axes Inn, in Harwood aforesaid, by Henry Hargreaves, an attorney, what he knew respecting the family of the said claimant, when some memorandums were made by the said Henry Hargreaves, of the information which this deponent then gave him, but he was not examined on oath. That this deponent hath no promise or agreement from or with the claimant John Aspden, or any one else, in regard to compensation or participation in what he may recover in this cause, and this deponent does not know of any such promise or agreement by the said John Aspden, or any one else on his behalf with any other person or persons.

To the sixth cross-interrogatory he deposeth as follows: That he is, by calling, a weaver, and was seventy-eight years of age on the fifteenth day of December last; that he was born at the aforesaid place called Back of Bowley, within the township of Great Harwood aforesaid; that his place of residence is in what is called the lower town of the village of Great Harwood aforesaid; that he has lived there for the space of eighteen years last past; that his place of habitation is in the main street in the lower town of Great Harwood aforesaid, but not known by any number or other particular designation, except that it is known to be his own property; that before he came to his present residence, he last dwelt at Hind e fold, in the said township of Great Harwood; and that he has not any affinity or relationship to the said John Aspden.

JOHN CLAYTON.

Sworn before us.

JOHN ASHWORTH.
WILLIAM GRAY.

William Bentley, of Great Harwood aforesaid, parish clerk, aged seventy years, being produced, sworn, and examined on behalf of the claimant John Aspden, deposeth as follows:

To the first interrogatory on the part of the said claimant, he deposeth as follows: That he doth not know the parties, complainant or defendant, in the title of the interrogatories named, or either of them.

To the second interrogatory on the part of the claimant, he deposeth as follows: That he knows the said John Aspden, and has known him many years; and that he has resided in Rossendale, which is about ten miles from Great Harwood, during the whole period the deponent has known him, out

he cannot say at what particular place in Rossendale; and that he was in the frequent habit of coming over to Great Harwood to see his father, Thomas Aspden, where he was living, by which means the deponent became intimately acquainted with him, and saw him the last time about three or four years ago, at his brother Matthias'; that the deponent has heard that the said John Aspden is gone to America, but does not know the fact of his own knowledge.

To the third interrogatory on the part of the said claimant, he deposeth as follows:—That he knew the father of the said claimant, whose name was Thomas, and Mary his first wife, very intimately; and recollects their keeping an ale-house at Cliff, within Great Harwood, and followed the trade of a Clogger at the same time; and remembers their leaving Cliff above sixty years ago, and removing to Blackburn, when he followed the trade of a clogger, and lived on the left hand side of Church street: that they lived some years in Blackburn and regularly clogged during that period for the deponent and his family, who frequently called when he went to Blackburn; that Thomas Aspden afterwards left Blackburn and went to reside at Rochdale; that the deponent remembers the said Thomas Aspden returning from Rochdale into the township of Great Harwood, and farming a place called Top oth Moor, and afterwards living at a place called Lower fold in Great Harwood, at both which places, he was a clogger; and that he died at Blackburn, and was buried at Great Harwood church; that the said John Aspden was the eldest son of the said Thomas Aspden; that this deponent never knew the father of the said Thomas Aspden, but has been given to understand by old people, that his name was William Aspden, and that the said Thomas Aspden was his eldest son; and this deponent never knew, or was informed who was the great-grandfather of the said claimant, or whether the said William Aspden was the eldest son of his father.

To the fourth interrogatory on the part of the said claimant, he deposeth as follows: That forty years ago or more, the deponent remembers seeing a gentleman at Thomas Aspden's house in Great Harwood aforesaid, who the said Thomas Aspden afterwards told this deponent was his cousin Matthias Aspden, from America; but this deponent did not speak with the said Matthias Aspden when he saw him sitting in Thomas Aspden's house. And this deponent also knew Nathaniel Aspden, the younger brother of the said Thomas Aspden, and his three sisters; Mary, (who married Mr. Dyson, a schoolmaster in Yorkshire) Margery, and Ann who married Lawrence Walmsley. And this deponent also knew the children of the said Thomas Aspden, viz: John Aspden the claimant, Andrew, Matthias, Nathaniel, and George. And this deponent further saith, that he hath no knowledge of Matthias Aspden in the said fourth interrogatory, stated to have lately died in London, further than that he believes him to have been the same person whom he saw at the said Thomas Aspden's house as before stated.

To the fifth interrogatory on the part of the said claimant, he deposeth as follows: That he does not know of any letter or letters from Matthias Aspden, mentioned in this interrogatory, making inquiries concerning his family in Lancaster county, in England.

To the sixth interrogatory on the part of the said claimant, he deposeth as follows: that he is a stranger to the matters in the said sixth interrogatory inquired after, and knows nothing about the same.

To the seventh interrogatory on the part of the said claimant, he deposeth as follows: That he has had nocorrespondence with the said Matthias Aspden, late of London, respecting his family connexions in Lancaster county afroesaid.

To the last interrogatory on the part of the said claimant, he deposeth as follows: That he does not know of any other matter or thing of importance to the said John Aspden in this suit.

To the first cross-interrogatory, he deposeth as follows: That the said John Aspden spells his surname "Aspden," and that he has always spelt it so, for any thing the deponent knows to the contrary; and that his father also spelt it in the same way, but cannot state how his grandfather spelt it; but, that this deponent knows the name is pronounced "Astin," and the family go by that name amongst the lower orders of the people at Great Harwood, though it is properly spelt "Aspden."

To the second cross interrogatory, he deposeth as follows: That he has acquired his knowledge of the said John Aspden, and his father, and grandfather, by living in their neighborhood, and associating with them and their family and relations.

To the third cross-interrogatory he deposeth as follows: That he hath not answered affirmatively to the claimant's fifth interrogatory.

To the fourth cross-interrogatory, he deposeth as follows: that he hath not answered affirmatively to the claimant's seventh interrogatory.

To the fifth cross-interrogatory, he deposeth as follows: That he hath not advised with any person, concerning the answer or answers that he was o give under this commission; but on Thursday the sixth day of January, he was asked at the Cross Axes inn, in Harwood aforesaid, by Mr. Henry Hargreaves, an attorney, what he knew respecting the family of the said claimant; when some memorandums were made by the said Henry Hargreaves of the information which this deponent then gave him, but he was not examined upon oath; that this deponent hath no promise or agreement from, or with the claimant John Aspden, or any one else, in regard to compensation or participation in what he may recover in this cause. And this deponent does not know of any such promise or agreement by the said John Aspden, or any one else on his behalf, with any other person or persons.

To the sixth cross interrogatory he deposeth as follows: That he is, by calling, the parish clerk of Great Harwood church, and also a weaver; was seventy years of age on the twenty-fifth day of December last; that he was born in Great Harwood aforesaid; that his place of residence is in what is called the Lower town of the village of Great Harwood aforesaid; that he has lived there for the space of eight years last past; that his place of habitation is in the main street in the Lower town of Great Harwood aforesaid, but not known by any number, or other particular designation, except that it is known to belong to widow Calvert; that before he came to his present residence, he last dwelt at Lower fold in the said township of Great Harwood; and that he has not any affinity or relationship to the said John Aspden.

WILLIAM BENTLEY.

Sworn before us.

JOHN ASHWORTH.
WILLIAM GRAY.

Richard Wolstanholme, of Great Harwood, aforesaid, weaver, aged seventy-one years, being produced, sworn and examined, on behalf of the claimant John Aspden, deposeth as follows:

To the first interrogatory on the part of the said claimant, he deposeth as follows: that he doth not know the parties, complainant or defendant, in the title of the interrogatories named, or either of them.

To the second interrogatory on the part of the said claimant, he deposeth as follows: that he knows the said John Aspden, and has known him from the time of his being a boy of about seven or eight years of age, at which time he lived with his father, who kept ale at a house in Blackburn, latterly occupied by one John Aspinall, and then known by the sign of the "Waggon and Horses," and was also a clogger; that the deponent recollects the father of the claimant living at Cliff, in Great Harwood, before he lived in Blackburn, and believes that claimant's father lived in a private house in Shorrock ford, or Church street, within Blackburn, before he kept the ale-house before mentioned: that he recollects Thomas Aspden, the father of the said claimant, removing with his family (including the said complainant) from Blackburn to Rochdale, which is about twenty miles from Blackburn, and a place the deponent was never at: that since the period of the claimant's leaving Blackburn with his father, as before mentioned, the deponent has only seen the said claimaint every two or three years or so, but has always known him, and spoke to him on those occasions: that the said John Aspden, has lived, as this deponent has been informed and believes, for many years, some where in the forest of Rossendale, which is some miles distant from Great Harwood aforesaid, but the deponent only knows the fact from hearsay, and has been informed that he is now in America.

To the third interrogatory, on the part of the claimant, he deposeth as follows: that he knew the father of the said claimant very well; his name was Thomas Aspden, and his first wife's name was Mary, and the deponent remembers them living at a place called Green Cliff, in what is called the higher town of the village of Great Harwood aforesaid, where they kept an ale-house known by the sign of the "Clog," and where the said Thomas Aspden, also followed the trade of a clogger: that the said Thomas Aspden removed from Cliff aforesaid, to Blackburn aforesaid, but the deponent never was in the first house he lived in at Blackburn, which he believes was in Shorrock-fold or Church street, but the deponent was frequently in his house when he kept the "Waggon and Horses" public house, from which house the deponent believes the said Thomas Aspden removed to Rochdale: that the said John Aspden, was the eldest son of the said Thomas Aspden and Mary his wife, and that after the death of his wife Mary, the said Thomas Aspden married Alice Dugdale, of Whalley, but never knew that he had any family by her: that the deponent recollects that the said Thomas Aspden, after living at Rochdale many years, returned into the township of Great Harwood aforesaid, and farmed a place called Top oth Moor, from which place the depodent thinks he went to a house below Harwood Church, which was formerly a turnpike house, and afterwards, as deponent thinks, to Lower fold, within Great Harwood aforesaid, where he lived in the farm house many years, but when he was old, he removed into a cottage adjoining, where his second wife died, and he afterwards went to live with his son Nathaniel, where he died, and was brought to Harwood Church to be buried, which the deponent thinks is about twelve or fourteen years ago: that this deponent never knew the father of the said Thomas Aspden, but has heard by general report, that his name was William Aspden, and that he lived at Lower-ford aforesaid, in the same house that Thomas his son afterwards occupied: that the deponent has frequently heard old people say that the said William Aspden, either died or was buried, the same day on which King George the Third was crowned: that the said Thomas Aspden, was the eldest son of his father, having only one brother, whom this deponent knew.

called Nathaniel, and he was younger than Thomas: and that this deponent never knew or heard who was the great grandfather of the said claimant, or whether the said William Aspden was the eldest son of his father.

To the fourth interrogatory on the part of the claimant, he deposeth as follows: that he recollects when young, people frequently speaking of Matthias Aspden, the uncle of said Thomas, having been over at Whalley from America, for the benefit of his health, and that his eye-sight was bad; and that when he returned he took his niece Mary to America with him; and that the deponent recollects at the time he was living in Great Harwood, and young, the neighbors saying that Matthias, the cousin of old Thomas Aspden, and son of the Matthias, who many years before had been over at Whalley, was come over to Great Harwood, to his cousin Nathaniel's, but the deponent did not see Matthias Aspden himself, but was informed by old Thomas Aspden that it was his cousin Matthias, who had been over from America; and that the deponent had frequent conversations with the said Thomas Aspden, respecting his cousin Matthias, in America, and spoke of him as a person of great property, and said on one occasion that he (Thomas Aspden) was the only cousin Matthias had. And that this deponent also knew Nathaniel, the brother of the said Thomas Aspden) and his sister Mary who married George Dyson, his sister Betty who married one Corless, his sister Margery who first married Cuthbert Haydock, and afterwards, as deponent has heard, James Taylor, and another sister called Ann, who married Lawrence Walmsley. And this deponent also knew all the children of the said Thomas Aspden, that is to say, Mary the eldest child, who is dead, John the claimant who is the eldest son, Andrew the second son, Matthias the third son, Nathaniel who is dead, the fourth son, and George the fifth son.

To the fifth interrogatory on the part of the said claimant, he deposeth as follows: that he does not know of any letter or letters from Matthias Aspden, mentioned in this interrogatory, making inquiries concerning his family in Lancaster county, in England.

To the sixth interrogatory on the part of the said claimant, he deposeth as follows: that he is a stranger to the matters in the said sixth interrogatory inquired after, and knows nothing about the same.

To the seventh interrogatory on the part of the said claimant, he deposeth as follows: that he has had no correspondence with the said Matthias Aspden, late of London, respecting his family connections in Lancaster county aforesaid.

To the last interrogatory on the part of the said claimant, he deposeth as follows: that he does not know of any other matter or thing of importance to the said John Aspden in the suit.

To the first cross interrogatory, he deposeth as follows: that the said John Aspden spells his surname "Aspden," and that he always spelt it so for any thing the deponent knows to the contrary; and that the said John Aspden's father spelt it in the same way, but cannot state how the said John Aspden's grandfather spelt his surname, but the deponent knows that the name is generally pronounced about Great Harwood, as if it were spelt "Astin."

To the second cross-interrogatory he deposeth as follows: that he first acquired his knowledge of the said John Aspden and his father, by living in their neighborhood when he was a boy, and associating with them and their family and relations.

To the third cross-interrogatory he deposeth as follows: that he hath not answered affirmatively to the claimant's fifth interrogatory

To the fourth cross-interrogatory he deposeth as follows: that he hath not answered affirmatively to the claimant's seventh interrogatory.

To the fifth cross-interrogatory he deposeth as follows: that he hath not advised with any person concerning the answer or answers that he was to give under this commission, but that he met Mr. Henry Hargraves, an attorney, at the "Cross Axes" public house, in Great Harwood aforesaid, on Thursday the sixth day of January instant, who asked this deponent what he knew respecting the family of the said John Aspden, when the said Henry Hargraves made some memoranda in writing of the information which this deponent then gave him, but he was not examined upon oath; and that this deponent hath no promise or agreement from, or with the said claimant John Aspden, or any one else, in regard to compensation or participation in what he may recover in the cause, and this deponent does not know of any such promise or agreement by the said John Aspden or any one else on his behalf, with any other person or persons.

To the sixth cross-interrogatory he deposeth as follows: that he is, by calling, a weaver, and will be seventy two years of age, as he believes, on the thirteenth day of April next, that he was born at a place called the Park, within the township of Great Harwood aforesaid, and that his place of residence is at a place called the Butts, within the township of Great Harwood aforesaid, that he has lived there nearly six years last past, and that the place of his said habitation is not in any street, or known by any number or other particular designation; that before he came to his present residence, he last dwelt at a place called Stoops, within the said township of Great Harwood, and that he has not any affinity or relationship to the said John Aspden.

RICHARD WOOLSTANHOLME.

Sworn before us,

JOHN ASHWORTH,
WILLIAM GRAY.

Henry Baron, of Great Harwood aforesaid, weaver, aged sixty-seven years, being produced, sworn, and examined on behalf of the claimant, John Aspden, deposeth as follows:

To the first interrogatory, on the part of the said claimant, he deposeth as follows: That he doth not know the parties, complainant or defendant, in the title of the interrogatories named, or either of them.

To the second interrogatory, on the part of the said claimant, he deposeth as follows: That he knows the said John Aspden, and has known him from the time of his being a boy of about seven or eight years of age, at which time he lived with his father, who kept ale at a house in Blackburn, latterly occupied by one John Aspinall; that the deponent recollects the father of the claimant living at Cliff, in Great Harwood, before he lived in Blackburn, but cannot say whether the claimant was born at Cliff or in Blacburn, and has some recollection that claimant's father kept a public house in Shorrock fold, within Backburn, before he kept the ale-house beforementioned; that he rocollects Thomas Aspden, the father of the said claimant, removing with his family (including the said claimant,) from Blackburn to Rockdale, which is about twenty miles from Blackburn, and a place the deponent was never at; that the said John Aspden has lived, as this deponent has been informed and believes, for many years in the forest of Rossendale, which is

some miles distant from Great Harwood aforesaid, and the deponent saw him at New Church, in Rossendale, several years ago, at which time the said John Aspden lived at New Church, but the deponent has heard that he has since removed to Rawtenstall, in Rossendale aforesaid, and is at present in America, but he does not know these facts of his own knowledge.

To the third interrogatory, on the part of the said claimant, he deposeth as follows: That he knew the father of the said claimant very well; his name was Thomas Aspden, and his first wife's name was Mary; and the deponent remembers them living at a place called Cliff, in what is called the higher town of the village of Great Harwood aforesaid, where they kept an ale-house, known by the sign of the "Clogg," and where the said Thomas Aspden also followed the trade of clogger; that the said Thomas Aspden removed from Cliff aforesaid to Blackburn aforesaid, when this deponent was very young, and, as long since as he can remember, in which town he recollects that he kept at different times two public houses; that the deponent remembers the said Thomas Aspden removing from Blackburn to Rochdale; that the said John Aspden was the eldest son of the said Thomas Aspden and Mary his wife; that the deponent recollects that the said Thomas Aspden, after living at Rochdale many years, returned into the township of Great Harwood aforesaid, and farmed a place called Top oth Moor, from which place the deponent thinks he went to Lower fold, within Great Harwood aforesaid, where he lived in the farm house many years; but when he was old he removed into a cottage adjoining, and he afterwards went to live with his son, Nathaniel, in Blackburn, where he died, and was brought to Harwood church to be buried, which this deponent thinks is about twelve or fourteen years ago, that this deponent never knew the father of the said Thomas Aspden, but has heard from old people that his name was William Aspden, and that he lived at Lower fold aforesaid, in the same house that Thomas, his son, afterwards occupied; that the said Thomas Aspden was the eldest son of his father, having only one brother, whom this deponent knew, called Nathaniel, and he was younger than Thomas; and that this deponent never knew or heard who was the great-grandfather of the said claimant, or whether the said William Aspden was the eldest son of his father.

To the fourth interrogatory, on the part of the said claimant, he deposeth as follows: That between forty and fifty years ago, he recollects Nathaniel Aspden, the younger brother of Thomas, (which said Nathaniel was then deponent's landlord,) coming into the shop where deponent was weaving, and bringing with him Matthias Aspden, his cousin, who was then over from America; that he talked to Nathaniel's son, who was then weaving, a good deal, and remained two or three days at Nathaniels. And that this deponent also knew Nathaniel, the brother of the said Thomas Aspden, and his sister Mary, who married George Dyson, his sister Betty, who married one Corless, his sister Margery, who first married Cuthbert Haydock, and afterwards, as deponent has heard, James Taylor, and another sister called Ann, who married Lawrence Walmsley. And this deponent also knew all the children of the said Thomas Aspden, that is to say; Mary, the eldest child, who is dead; John, the claimant, who was the eldest son; Andrew, the second son; Matthias, the third son; Nathaniel, (who is dead,) the fourth son; and George, the fifth son.

To the fifth interrogatory, on the part of the said claimant, he deposeth as follows: That he does not know of any letter or letters from Matthias

Aspden, mentioned in this interrogatory, making inquiries concerning his family in Lancaster county, in England.

To the sixth interrogatory on the part of the said claimant, he deposeth as follows: That he is a stranger to the matters in the said sixth interrogatory enquired after, and knows nothing about the same.

To the sixth interrogatoay on the part of the said claimant, he deposeth as follows: that he has had no correspondence with the said Matthias Aspden, late of London, respecting his family connexions in Lancaster county aforesaid.

To the last interrogatory on the part of the said claimant, he deposeth as follows: That he does not know of any other matter or thing of importance to the said John Aspden in this suit.

To the first cross-interrogatory he deposeth as follows: That he does not know how the said John Aspden spells his sirname, or how the said John Aspden's father or grandfather respectively spelt it, but the deponent knows that the name is generally pronounced about Great Harwood as if it were spelt "Astin."

To the second cross interrogatory he deposeth as follows: That he first acquired his knowledge of the said John Aspden and his father, by living in their neighborhood when he was a boy, and associating with them and their family and relations.

To the third cross-interrogatory he deposeth as follows: That he hath not answered affirmatively to the claimant's fifth interrogatory.

To the fourth cross-interrogatory he deposeth as follows: That he hath not answered affirmatively to the claimant's seventh interrogatory.

To the fifth cross-interrogatory he deposeth as follows: That he hath not advised with any person concerning the answer or answers that he was to give under this commission, but that he met Mr. Henry Hargreaves, an attorney, at the Cross Axes public house, in Great Harwood aforesaid, on Thursday the sixth day of January instant, who asked this deponent what he knew respecting the family of the said John Aspden, when the said Henry Hargreaves made some memoranda in writing of the information which this deponent then gave him, but he was not examined upon oath. And that this deponent hath no promise or agreement, from or with the said claimant, John Aspden, or any one else, in regard to compensation or participation, in what he may recover in the cause; and this deponent does not know of any such promise or agreement by the said John Aspden, or any one else on his behalf, with any other person or persons.

To the sixth cross-interrogatory he deposeth as follows: That he is, by calling, a weaver, and will be sixty-seven years of age as he believes, within a day or two on one side of New Candlemass day; that he was born at a place called the Park, within the township of Great Harwood aforesaid, and that his place of residence is at a place called Clinkem, within the township of Great Harwood; that he has lived there nearly seven years last past, and that the place of his said habitation is not in any street, or known by any number or other particular designation, that before he came to his present residence, he last dwelt at a place called Stopes, within the said township of Great Hardwood; and that he hath not any affinity or relationship to the said John Aspden.

his
HENRY ⋈ BARON.
mark.

Sworn before us,
JOHN ASHWORTH.
WILLIAM GRAY.

Thomas Hardman, of New Church, in the forest of Rossendale, in the said county of Lancaster, Yoeman, aged twenty-nine years, being produced; sworn, and examined on behalf of the claimant John Aspden, deposeth as follows:

To the first interrogatory on the part of the said claimant, he deposeth as follows: That he doth not know the parties complainant or defendant, in the title of the interrogatories named, or either of them.

To the second interrogatory on the part of the said claimant, he deposeth as follows: That he knows the said John Aspden, and has known him ever since he could recollect any thing; that he lived at New Church aforesaid, from the first of the deponent's recollection of him until a period of a few years back, when he removed to a place called Rawtenstall, about a mile and a half from New Church aforesaid, and situate within the said forest of Rossendale, and that he lived at Rawtenstall up to the time of his leaving England for America.

To the third interrogatory on the part of the said claimant, he deposeth as follows: That he never knew either the father or the grandfather of the claimant, but he has been informed by the said John Aspden the claimant, that his father was called Thomas, his grandfather William, and his great grandfather Thomas, and that the said claimant was the eldest son of his father, and that his said father and grandfather were, or were supposed to be, the eldest sons of their respective fathers.

To the fourth interrogatory on the part of the said claimant, he deposeth as follows: That he has no knowledge, by general reputation or otherwise, of the pedigree of the said John Aspden, or of Matthias, son of Matthias, who lately died in London, or of either, further or otherwise than this deponent hath deposed to in answer to the sixth interrogatory on the part of the said claimant.

To the fifth interrogatory on the part of the said claimant, he deposeth as follows: That he does not know of any letter or letters from Matthias Aspden, mentioned in this interrogatory, making inquiries concerning his family in Lancaster county aforesaid.

To the sixth interrogatory on the part of the said claimant, he deposeth as follows: That he hath compared the paper writing now produced and shown to him and marked with the letter A, with the original baptism of William Aspden, contained in the register book of baptisms kept at the parochial chapel of Padiham, in the county of Lancaster, and that such paper writing contains a true copy of such entry; and that he has compared the paper writing now produced and shown to him and marked with the letter B, with the original entry of the baptism of Matthias Aspden, contained in the said register book of baptisms, kept at the said chapel of Padiham, and that such last mentioned paper writing contains a true copy of such last mentioned entry; and that this deponent hath compared the paper writing now produced and shown to him and marked with the letter C, with the original entry of the marriage of William Aspen and Martha Horne, contained in the register book of marriages kept at the church of Altham, in the said county of Lancaster, and that such last mentioned paper writing contains a true copy of such entry; and that he hath compared the paper writing now produced and shown to him and marked with the letter D, with the original entry of the burial of Thomas Aspden, contained in the register book of burials kept at the said chapel of Padiham aforesaid, and that such last mentioned paper writing contains a true copy of such last mentioned en-

try; and that he hath compared the paper writing now produced and shown to him and marked with the letter E, with the original entry of the baptism of Thomas Aspden, contained in the register book of baptisms kept at the parochial chapel of Padiham aforesaid, and that such last mentioned paper writing contains a true copy of such last mentioned entry; and that he hath compared the paper writing now produced and shown to him and marked with the letter F, with the original entry of the marriages of Thomas Aspden and Mary West, contained in the register book of marriages kept at the church of Great Harwood aforesaid, and that such last mentioned paper writing contains a true copy of such last mentioned entry; and that he hath compared the paper writing now produced and shown to him and marked with the letter G, with the original entry of the baptism of Mary Aspden, contained in the register book of baptisms kept at the church of Great Harwood aforesaid, and that such last mentioned paper contains a true copy of such last mentioned entry; and that he hath compared the paper writing now produced and shown to him and marked with the letter H, with the original entry of the burial of William Aspden, contained in the register book of burials kept at the church of the Great Harwood aforesaid, and that such last mentioned paper writing contains a true copy of such last mentioned entry; and that he hath compared the paper writing now produced and shown to him and marked with the letter I, with the original entry of the baptism of the said John Aspden, contained in the register book of baptisms kept at the church of Great Harwood aforesaid, and that such last mentioned paper writing contains a true copy of such last mentioned entry; and that he hath compared the several paper writings now produced and shown to him and marked respectfully with the letters K, L, and M, with the respectful original entries of the baptisms of Andrew Aspden, Matthias Aspden, and Nathaniel Aspden respectively, contained in the register book of baptisms kept at the parish church of Blackburn in the said county of Lancaster, and that the said three last mentioned paper writings respectfully contain true copies of such last mentioned entries respectively; and that he hath compared the paper writing now produced and shown to him and marked with the letter N, with the original entry of the baptism of George Aspden, contained in the register book of baptisms kept at the parish church of Rochdale aforesaid, and that such last mentioned paper writing contains a true copy of such last mentioned entry; and that he hath compared the paper writing now produced and shown to him and marked with the letter O, with the original entry of the burial of Thomas Aspden, contained in the register book of burials kept at the church of Great Harwood aforesaid, and that such last mentioned paper writing contains a true copy of such last mentioned entry.

To the seventh interrogatory on the part of the said claimant, he deposeth as follows: That he has had no correspondence with the said Matthias Aspden, late of London, respecting his family connexions in Lancaster county aforesaid.

To the last interrogatory on the part of the said claimant, he deposeth as follows: That he does not know of any other matter or thing of importance to the said John Aspden in this suit.

To the first cross-interrogatory he deposeth as follows: That the said John Aspden spells his sirname "Aspden," and that he has always spelt it so for anything the deponent knows to the contrary; but this deponent doth not know how his father or grandfather spelt it; but this deponent knows that

the name is generally pronounced "Astin," and the family go by that name amongst the lower order of people, both at Great Harwood and New Church aforesaid, though it is properly spelt "Aspden."

To the second cross-interrogatory he deposeth as follows: That he has acquired his knowledge of the said John Aspden, by living near to him all his life up to the period of his going to America.

To the third cross-interrogatory he deposeth as follows: That he hath not answered affirmatively to the claimant's fifth interrogatory.

To the fourth cross-interrogatory he deposeth as follows: That he hath not answered affirmatively to the claimant's seventh interrogatory.

To the fifth cross-interrogatory he deposeth as follows: That he hath not advised with any person concerning the answer or answers that he was to give under this commission.

To the sixth cross-interrogatory he deposeth as follows: That he is by calling a land measurer, accountant and writer, and will be thirty years of age in April next; that he was born at New Church aforesaid; that his place of residence is in what is called the square in the village of New Church aforesaid; that he has lived there for the space of twenty-nine years last past; that his place of habitation is in the main street in the village of New Church aforesaid, but not known by any number or other particular designation; that before he came to his present residence, he last dwelt in another house in the same village; and that he has not any affinity or relationship to the said John Aspden.

THOMAS HARDMAN.

Sworn before us,
JOHN ASHWORTH,
WILLIAM GRAY.

1691.

William, son of Tho. Aspden of Symonston, bapt. July 26.

The above is a true copy of the baptismal register of the church of Padiham, as witness my hand this 16th day of January, A. D. 1831.

S. I. C. ADAMSON, Incumbent.

This is the paper exhibit or document referred to, by Thomas Hardman in his deposition, as the paper writing marked A.

JOHN ASHWORTH.
WILLIAM GRAY.

May, 1693.

Mathias, the son of Thomas Aspden of Simonstone, baptised the 14th.

The above is a true copy of the baptismal register in the church of Padiham, as witness my hand this 15th day of January, 1831.

S. I. C. ADAMSON, Incumbent.

This is the paper exhibit or document referred to by Thomas Hardman, in his deposition, as the paper writing marked B.

JOHN ASHWORTH.
WILLIAM GRAY.

1727.

Wm. Aspden, of Harwood Jersey-Comber, and Martha Horne of Altham, Spinster, married by virtue of bans published by the ministers of Whaley Harwood, 9ber 9th.

The above is a correct extract from the parish register of Altham.

WM. WOOD, Curate of Altham.

ALTHAM, Jan. 15th, 1831.

This is the paper exhibit or document referred to, by Thomas Hardman in his deposition, as the paper writing marked C.

JOHN ASHWORTH.
WILLIAM GRAY.

March ye 25th, 1728.

Tho. Aspden of Simonstone, farmer, buryd 31st.

The above is a true copy of the burial register in the church of Padiham, as witness my hand this 10th day of January, A. D. 1831.

S. I. C. ADAMSON, Incumbent.

This is the paper exhibit or document referred to, by Thomas Hardman in his deposition, as the paper writing marked D.

JOHN ASHWORTH.
WILLIAM GRAY.

Thos. son of Wm. Aspden of Hapton, laborer, and Martha his wife, baptized June 19th, 1737.

The above is a true copy of the baptismal register in the church of Padiham, as witness my hand this 10th January, 1831.

S. I. C. ADAMSON, Incumbent.

This is the paper exhibit or document referred to, by Thomas Hardman in his deposition, as the paper marked E.

JOHN ASHWORTH.
WILLIAM GRAY.

Marriage Register Book. Page 7.

Banns of marriage between Thomas Aspden and Mary West, both of Harwood, were published on the 3d, the 10th, and 17th days of April, 1757, by me,

JOHN SMITH.

No. 25. The said Tho. Aspden of the chapelry of Herwood, in the parish of Blackburn, and the said Mary West of this chapelry, spinster, were married in this chapel by banns, with consent of parents, this 17th day of April, in the year one thousand seven hundred and fifty-seven, by me,

JOHN SMITH.

This marriage was solemnized between us, { THOMAS ASPDEN, MARY ⋉ WEST, her mark.

In the presence of

JONATHAN CALVERT.
RICHARD NUTTELL.

This is to certify that the above copy is a faithful extract taken from the marriage register of Great Harwood, in the parish of Blackburn, county of Lancaster, and diocese of Chester. Witness my hand the 10th day of January, 1831.

ROBT. DOBSON, Curate of Great Harwood.

This is the paper exhibit or document referred to, by Thomas Hardman in his deposition, as the paper writing marked F.

JOHN ASHWORTH.
WILLIAM GRAY.

Baptisms, 1758.

April 23. Mary, daughter of Thomas Aspden, plodweaver from Lower fold.

This is to certify that the above copy is a faithful extract taken from the register of baptisms of Great Harwood, in the parish of Blackburn, county of Lancaster, and diocese of Chester. Witness my hand the 10th day of January, 1831.

ROBT. DOBSON, Curate of Great Harwood.

This is the paper exhibit or document referred to, by Thomas Hardman in his deposition, as the paper writing marked G.

JOHN ASHWORTH.
WILLIAM GRAY.

Burials, 1761.

September 22. William Aspden, sen., from Lower fold.

This is to certify that the above copy is a faithful extract taken from the burial register of Great Harwood, in the parish of Blackburn, county of Lancaster, and diocese of Chester. Witness my hand the 11th day of January, 1831.

ROBT. DOBSON, Curate of Great Harwood.

This is the exhibit or document referred to, by Thomas Hardman in his deposition, as the paper writing marked H.

JOHN ASHWORTH.
WILLIAM GRAY.

Baptisms, 1764.

August 5. John, son of Thomas Astin, from Cliff.

This is to certify that the above copy is a faithful extract from the register of baptisms of Great Harwood, in the parish of Blackburn, county of Lancaster and diocese of Chester. Witness my hand the 10th day of January, 1831.

ROBT. DOBSON, Curate of Great Harwood.

This is the paper exhibit or document referred to, by Thomas Hardman in his deposition, as the paper writing marked I.

JOHN ASHWORTH.
WILLIAM GRAY.

Christenings at Blackburn church in 1766.

November 5th. Andrew, son of Thomas and Mary Aspden of Blackburn.

I hereby certify that the above is a faithful extract from the parish register. Witness my hand this 11th of January, 1831.

J. BLACKBURNE, Curate of Blackburn.

This is the paper exhibit or document referred to, by Thomas Hardman in his deposition, as the paper marked K.

JOHN ASHWORTH.
WILLIAM GRAY.

Christenings at Blackburn church in 1769.

March 5. Matthias, son of Thomas and Mary Aspden, of Blackburn.

I hereby certify that the above is a faithful extract from the parish register. Witness my hand this 11th January, 1831.

J. BLACKBURNE, Curate of Blackburn.

This is the paper exhibit or document referred to, by Thomas Hardman in his deposition, as the paper writing marked L.

JOHN ASHWORTH.
WILLIAM GRAY.

Christenings at Blackburn church in 1771.

February 24. Nathaniel, son of Thomas and Mary Aspden, of Blackburn.

I hereby certify that the above is a faithful extract from the parish register. Witness my hand this 11th January, 1831.

J. BLACKBURNE, Curate of Blackburn.

This is the paper exhibit or document referred to, by Thomas Hardman in his deposition, as the paper writing marked M.

JOHN ASHWORTH.
WILLIAM GRAY.

Christenings, 1776.

May 5. George, son of Thomas Aspden, Clogger, and Mary his wife, of Rochdale.

THOS. BELLAS.

The above is a true copy from the register book of the parish church, Rochdale, taken this 13th January, 1831, by me,

RD. WHITELOCK, Curate.

This is the paper exhibit or document referred to, by Thomas Hardman in his deposition, as the paper writing marked N.

JOHN ASHWORTH.
WILLIAM GRAY.

Page 53.

Burials in the Parish of Great Harwood, in the county of Lancaster, in the year 1819.

Name.	Abode.	When buried.	Age.	By whom the ceremony was performed.
Ths. Aspden, No. 423.	Blackburn, lately of Harwood.	June 7th.	81	Wm. Barns.

This is to certify that the above copy is a faithful extract taken from the burial register of Great Harwood, in the parish of Blackburn, county of Lancaster, and diocese of Chester. Witness my hand the 11th day of January, 1831.

ROBT. DOBSON, Curate of Great Harwood.

This is the paper exhibit or document referred to, by Thomas Hardman in his deposition, as the paper writing marked O.

JOHN ASHWORTH.
WILLIAM GRAY.

SAMUEL PACKER, a citizen of the State of New Jersey,
vs.
HENRY NIXON, esq., a citizen of the State of Pennsylvania, Executor of the testament and last will of Matthias Aspden, esq., late a citizen of the same State.

In the Circuit Court of the United States, in and for the District of Pennsylvania, in the third Circuit, in equity.

The President of the United States, to Asher Davidson and William A. Petrikin, esquires, commissioners, nominated on the part and behalf of William F. Packer, one of the claimants in the above cause, greeting:

. Know ye that, in confidence of your prudence and integrity, we have given unto you, and by these presents do give unto you, or either of you, full power and authority, in pursuance of a rule lately made in the circuit court of the United States, in and for the district of Pennsylvania, in the third circuit, in a certain action in equity therein depending, wherein the said Samuel Packer is complainant, and the said Henry Nixon is defendant, to call before you, at a certain day and place, by you for that purpose to be appointed, all and every person and persons who may be named to you by the said William F. Packer, claimant as aforesaid, as witnesses in the said action, and then and there to examine them, on their respective oaths and affirmations, on certain interrogatories, hereunto annexed, touching the premises, and to reduce their testimony to writing; and when you shall have so done, you are to send the same to the said circuit court, closed up, and under your seals, plainly and distinctly set, together with his writ.

Witness, the honorable John Marshall, chief justice of the supreme court of the United States, at Philadelphia, this twenty-eighth day of April, A. D. 1831, and in the fifty-eighth year of the independence of the said United States.

D. CALDWELL, *Clk. Cir. Ct.*

UNITED STATES, *sct.*—*In the Circuit Court of the United States for the Eastern District of Pennsylvania.*

PACKER, *vs.* NIXON. } In Equity.

Interrogatories to be exhibited to Job Packer, a witness to be examined on the part of William F. Packer.

1. What was the name of your father, and the name of your mother? Are you or are you not the oldest son of your father and mother? State how many children they had, their names in the order of their birth respectively; whether living or dead, and if any of them be dead, whether they have lawful issue surviving, and the places of residence of each and all, to the best of your knowledge and information.

2. State from the best of your information and belief, where and when your father was born, where lived, and when and where he died; also, when and where your mother was born, and when and where she died.

3. What were the names of your grandfather and grandmother respectively, on the part of your father? Did you ever see or know both or either of them? Did they or either of them live with their children at any time within your recollection, or not? State all you know of the same to the best of your knowledge, informationand belief.

4. Upon the best of your information, hearsay and belief, state when and where your said grandfather and said grandmother were respectively born; when and where they were married, and whether in relation to either or both, they were married a second time, when and where did they respectively die, and how old they respectively then were.

5. Upon the best of your information, hearsay and belief, state the various places where your grandfather and grandmother aforesaid resided during their lives.

6. Upon the best of your information, hearsay and belief, state how many children, and their names respectively, in the order of birth your said grandfather and grandmother had; the marriages of the said children, and whether or not your father was the oldest son of your said grandfather and grandmother.

7. Upon the best of your information, hearsay and belief, state what were the names of your great-grandfather and great-grandmother upon the part of your father, where they were respectively born, whether or not they lived in Pennsylvania, New Jersey, or in what place; how many children they had, and the names of such children, and whether they or either of them were married a second time.

8. Have you known or seen Rebecca Aspden? If so, upon the best of your knowledge, information and belief, were the said Rebecca and your said grandfather, brother and sister, or not, and who were the children of the said Rebecca; was she twice married, and if so to whom, and what are the names of her children?

9. Did you or did you not know Matthias Aspden? If yea, state when and where you were acquainted with him. Have you or not seen him at his dwelling house; have you or not seen him at your father's house, whether oftener than once and when?

10. Have you or not heard the said Matthias say who was his nearest relation or heir, and to whom his property would go upon his death, or not? State all that you know about the same.

11. Is the said Matthias Aspden, and the testator named in the above stated suit according to the best of your information and belief, the same person or not?

12. Do you know, or are you informed or not, of persons or families named Packer, residing in New Jersey? If yea, were they, upon the best of your knowledge, information and belief, the children of your paternal grandfather or paternal great-grandfather or not.

13. Upon the best of your knowledge, information and belief, state what were the names of your maternal grandfather and grandmother, and her maiden name, the names of their children in the order of age, and their places of residence respectively, where your said maternal grand parents lived and died respectively, and how old they then were, whether either of them was twice married or not, and generally any other matters material of their family history.

In like manner state the names, places of residence, ages at the time of death, the names of the childreu of your maternal great-grandfather, and great grandmother, her maiden name, and generally all other material matters of their family history.

J. BOUVIER, *Solicitor for W. F. Packer.*

Edward Hartley in his own right, and Thomas Adams and Barsheba his wife, in right of said wife, claimants in the above cause, file the following cross-interrogatories to be put to such witnesses as shall be examined as such on behalf of William A. Packer, at Williamsport, Lycoming county, Pennsylvania, before Asher Davidson and William Petrikin, esqrs., or either of them, or any other person, commissioner or commissioners for the said William A. Packer.

1st. Was the mother of Matthias Aspden, the testator, married prior to her marriage with the said Matthias' father?

2d. Had she by the said prior marriage, or had she not a son of the name of Roger Hartley? If so, please to state where he lived, and if dead, when he died, according to the best of your knowledge and belief.

3d. Do you or do you not know whether the said Roger Hartley had, by the mother of the said Matthias Aspden, a son of the name of Edward, and a daughter of the name of Barsheba? If so, please to state where have they respectively resided, and where they now reside—whether the said Barsheba has or has not married, and if married, what is her husband's name, according to the best of your knowledge and belief.

4th. Do you or do you not know any of the said Roger Hartley's daughters by the said mother being married to Thomas Adams, and whether any of the said Roger's children by the said mother have resided near Yellow Creek, in Columbiana county, in the State of Ohio; and if so, what were their respective names? and if married, state with whom, according to the best of your knowledge and belief.

D. McLAUGHLIN, *Solicitor for Edward Hartley, and also for Thomas Adams, and Barsheba, his wife, in right of said Barsheba.*

Cross interrogatories to be proposed to Job Packer:

1. What is your age, and what was the place of your birth? What is the place of your residence, and how long has it been?

2. Of what religious persuasion was your father; of what religious persuasion was your grandfather; of what religious society, church, meeting,

or congregation was your grandfather as you have heard or believe, at th time of your father's birth; and what was the place of his residence at the time?

3. If you state any matter from information, hearsay or report, please to state particularly, in all instances as far you can, from what person or persons you derived your information, or heard what you state; and at what time or times, and particularly whether it has been since the institution of this suit.

4. If you say in answer to the ninth interrogatory, that you did know Matthias Aspden, and that you have seen him at his house or your father's; you are asked what was his age, stature and and appearance when you saw him? Where was his house? Where was your father's house? At what time, in what year particularly, did you see him, and what person or persons were present or in company with him?

5. Do you know, or have you ever heard Matthias Aspden state who were his relations, what were their names, and what their places of residence? You are requested to state all you know or have heard on this subject particularly.

6. Have you any interest in this suit? Do you or your family or connexions, expect to gain or lose any thing by the event of it? Have you contributed any thing towards the expenses of carrying it on? And are you to receive any remuneration or return in case of success.

CH. CHAUNCEY,
for Thomas H. White, &c.

True Copies:

D. CALDWELL,
Clerk Cir. C.

In pursuance of the annexed commission, personally appeared before me William A. Petrikin, one of the commissioners therein named, at the house of James H. Huling in the borough of Williamsport, on Thursday the 9th day of June, A. D. 1830, Job Packer, of Muncy township, Lycoming county, and State of Pennsylvania, who being produced as a witness on the part and behalf of William F. Packer, one of the claimants in the annexed commission named, and being duly affirmed according to law, doth declare and say, as follows:

To the *first* interrogatory, this deponent saith: My father's name was James Packer, my mother's name was Rose, maiden name Mendanhall. I am the oldest son of my father and mother. They had twelve children including myself, namely Rose, who died an infant, myself, Hannah, married to William Fisher of Centre county, died about fifteen years ago, leaving a number of children. Eli, who removed to the State of Ohio, and died about a year since, leaving a number of children. Amos, now living in Centre county, and has issue. Moses, who died young in a convulsion fit. Lydia, who died young of a bilious fever, unmarried, and without issue. Aaron, who died several years ago leaving issue; he lived in Centre county. Rose, the second, married twice, the last time to Thomas Hunter, she died in Ohio and had children. Anne, who married Thomas Johnston, and had a number of children, heard they were both dead. They last lived in Ohio, at or near Short creek. James, who lived in Centre county, and died there, leaving issue. Zillah, who married John Kyler. They live at Kersey's settlement in Clearfield county. They have several children.

To the *second* interrogatory, this deponent saith: My father James Packer, was born where Princetown in the State of New Jersey stands, or near it He removed thence with his father Philip Packer when a boy, as I have been informed, to the head of Chester, in Maryland. Lived there until he become of age, when he went to East Caln, in Chester county Pennsylvania. He there married my mother Rose Mendenhall. He lived in Chester county until he moved to Centre county, where he died in 1805 in the 80th year of his age. My mother Rose Mendenhall, daughter of Aaron and Rose Mendenhall was born in Chester county, according to the information received from my parents. She died in Bald Eagle, in Centre county, about seven years ago, aged *ninety one*. Always understood that she was five or six years younger than my father.

To the *third* interrogatory this deponent saith: The name of my grand father on my father's side was Philip Packer and the name of my grandmother, Anne, maiden name Coats. I have seen them both often. They removed from the head of Chester in Maryland to Pikeland in Chester county. Uncle Moses Packer moved them up. They settled near the Yellow springs. Grandfather died there. When he lived in Chester county, he was very old and feeble, and walked with two staves, and went much bent. He was injured in the back by a fall through a saw mill, and being struck by the pitman. At this time I lived with my father James Packer in Uwchland township, near Downingstown. I was frequently at my grandfather's when a boy. He lived with his son Moses Packer, who was bound to suppor him and grandmother during their lives. After the death of my grandfather, uncle Moses sold out in Pikeland to George Cressman, and removed to Hartford, near the Delaware, nine miles from Philadelphia. Grand mother lived with him until he sold out there and moved to Warrington in York county. She then came and ived with my father in Uwchland. She lived about fifteen years with my father when she died very suddenly with the palsy, at the close of the revolutionary war, in the eighty-sixth year of her age.

To the *fourth* interrogatory this deponent saith: I cannot tell when or where my grandfather was born, but rather think it was in the Jersey. My grandmother, Anne Coates was born in Dublin in Ireland, as I have heard her say often. I have heard her say many a time, that during what she called the Roman rebellion in Ireland, her mother was advised to conceal her and her brother Charles in a pile of wheat from the Roman Catholics, but she refused and kept one on each knee, and Romans run their spears through the wheat, and the children were saved, being in the house and under the protection of a Catholic woman. And I heard her say that her father's life was saved at that time by his going down into a draw well up to his chin in water. They were Protestants, and after this removed to this country, and Charles Coates her brother settled in Chester county, in this state; Charlestown township is called for him. My grandfather Philip Packer, married Anne Coates as I have understood, some place in the Jersey, and settled in the first place in the fork of Cooper's creek, opposite Kensington. It was a low flat piece of land and sickly, and they removed up to near about where Princetown stands, and took up lands there, where my father and aunt Susannah was born. From thence he took a trip through the wilderness to between the bays in Maryland, and moved down there and built a grist mill called head of Chester. I never heard it intimated, that either my grandfather, Philip Packer, or grandmother Anne Coates were married a second time. I firmly believe they never were. They both died an were buried in Chester county as before stated.

dog. There was a city act passed to level Front street. I was there and

To the *fifth* interrogatory this deponent saith: I cannot answer it more fully than is answered above.

To the *sixth* interrogatory this deponent saith: That my grandfather Philip Packer had five children. 1st, James, my father. 2d, Susannah, who married David Matthias. They had children, Philip, Boaz, Adonijah and two twin sons, Jonathan and David, and one daughter, Susannah. Boaz Matthias married Lucy Branham. He is now dead, but his widow Lucy Matthias lives in Brown street, Philadelphia. It is a long time since I have heard of any of the rest of them. I saw Lucy Matthias in Philadelphia three years since. 3d, Moses Packer who married Jane Smith in Goshen, Chester county. He was then an old bachelor. They had children; George the eldest, called after George Smith his grandfather. Philip, next, called for his grandfather Packer. Rebecca, next, called for aunt Rebecca Aspden. Uncle Moses left Harford, Chester county, (now Deleware) the fall before the British army come to Philadelphia, and removed to Warrington, York county. I don't know how many children he had after he went to York county, or whether he had any. I have understood that his son Philip now lives in York county. After my father removed to Centre county, uncle Moses came up there on a visit and died there, and was buried in Howard township, Centre county. 4th, Aaron Packer, who married Anne Phipps, in Uwchland township, Chester county. They had a number of children, cannot say how many. He removed from there up the Juniatta. He afterwards removed to Warrington, York county. 5th, Anne Packer, who married Jonathan Marsh at Friend's meeting, at Harford; they passed meeting at Springfield. I was at the meeting. Marsh lived at Warrington, York county, where he died. They had children—cannot say how many, nor who they married.

To the *seventh* interrogatory this deponent saith: I have often heard my father, uncle Moses, uncle Aaron and aunt Anne, talk abont my great grandfather and great grandmother. I have also heard my grandfather, Philip Packer, and grandmother speak of them, the latter frequently. I have heard them all say that my great grandfather's name was Philip Packer, and my great grandmother's name was Rebecca, maiden name, Jones. Rebecca Wells was named after my great grandmother, and Rebecca Ives after my aunt Aspden. Rebecca Wells was a great deal older; she was about the age of my grandfather Philip Packer. Her oldest son was quite grey headed when I was a boy; his name was Edmund. I always understood that she claimed kin with the family of the Packers. The Wells' lived opposite Pottsgrove on the Schuylkill. I cannot tell where my great-father was born, but understood in the family, that it was in England. I heard my father often state that my great-father had two brothers killed at the battle of the Boyne under king William—called John and William. I rather think my great grandmother was born in Philadelphia, as to the information on this point I am not certain. I never heard that they lived in Pennsylvania; I always understood that they lived in New Jersey. I never heard of any children they had but Philip Packer, my grandfather, and his sister Rebecca. I never heard that either my great grandfather, Philip Packer, or great grandmother was married a second time. I never heard a second marriage of either of them spoken of in our family, or elsewhere, until three or four years since the death of Matthias Aspden. I have heard that a certain Rhoda Borton has so stated. I have heard of other persons of the name of Packer living in Jersey, and have seen some of them from Raccoon creek

maternal grandfather and grandmother were Aaron Mendenhall and Rose, maiden name Peerson; I think they had eight children. Their names were and Ancocus, who attended market in Philadelphia. One of them had a stall near the lower end of the Jersey market-house. An Indian from the Cedar Swamp had a stall next above Packers. On one occasion I met a young woman at the Bull's Head Tavern, in Strawberry alley, named Packer. She asked me if my name was Packer, having heard me called by that name. I afterwards visited her at her father's house in Jersey, somewhere about fifteen miles from Marmaduke Cooper's, eastward from the Ferry, opposite Market street. I also knew a John Packer, who lived in Kennet township, Chester county, but I never knew how any of these Packers were related to us, if at all.

To the *eighth* interrogatory this deponent saith: I did know Rebecca Aspden and have seen her often. She lived with her son Matthias Aspden, in Front stree, between Market and Arch streets. It was always said and believed in our family, that my grandfather Philip Packer, and Rebecca Aspden were brother and sister. My grandmother Anne Coates, always called her sister Beckey. There never was any question about my grandfather and her being brother and sister. When both alive there could have been no question about it. They were as much alike as brother and sister could be. They were both of short stature and rather of swarthy complexion. Since this suit was brought I have heard that it has been said that they were half brother and sister; I never heard a word of this before—nor never heard such a thing intimated in our family in any manner or way, but quite to the contrary. The children of Rebecca were Benjamin, Bersheba, Roger and Anne Hartley, and Matthias Aspden. I never heard of any more of the Hartleys, according to my present recollection and belief. She was twice married: first to Hartley, I think his first name was Roger, but of this not certain. The children above named were of this marriage as I always understood and believed. Her second husband was Matthias Aspden as I have understood, but of his first name am not certain. Matthias Aspden the testator, was the issue of this marriage; of this I am certain. But I have heard it said years back, that he was got before marriage, more than sixty years ago. I have stated the names of the children of Rebecca Aspden already, but it seems to me like a dream, that I have heard of one named Jared Hartley.

To the *ninth* interrogatory this deponent saith: I did know Matthias Aspden well. We were intimately acquainted. I have been often at his house, I believe more than fifty times. He and Bersheba and Anne Hartley came often to my father's house in Uwchland. They came in a carriage and staid several days at a time. When I was about, or turned of nineteen, he wanted me to keep store and offered to furnish me with all kinds of goods at wholesale, and I might take the retail, and he would allow me six per cent. out of the wholesale. I told him that I had joined into the tanning and currying, that my father had hired a journeyman, John Ferguson, three and a half years to instruct me. When I went to Philadelphia to market I still went to Matthias Aspden's. I was often there at other times. Once I was there two weeks. Generally when I went there I met in his company William Savery, Thomas Mifflin, Wm. Zane, Isaac Paxon, Benjamin Bryant and Arthur Howell. We often walked about the city together. I recollect on one occasion we went to view the new jail by Pottersfield; also, we visited Penn's county seat near the falls of Schuylkill. Another time I went with Matthias Aspden up to Germantown to see a bear fight with a butcher's bull

To the cross-interrogatories accompanying this commission, signed "Ch: Chauncey, for Thomas H. White, &c.," the said deponent answers as follows:

Matthias was very vexed about it. His door was formerly one step above the street. After they levelled and paved the street it was one or two steps down into the parlour; at the north end of the house there was an arch for waggons, drays, &c., to pass under. There were rooms over the arch. Bersheba and Anne slept there, when I was there. Matthias was engaged in the shipping business and had great luck at sea. Once I was at his house, and went out with him to the balcony. He expected a vessel. He had a glass and saw a ship coming round Gloster point, which he said was his; we sat there till she cast anchor. When I was in the city last, I went to look for his house and found it. The house and balcony are there yet. The arch at the north end of the house is shut up. He dealt in every thing in the mercantile way. Matthew Taylor, who before lived with my grandfather Mendenhall was a clerk for him and attended his wine store. My mother and sister Hannah often accompanied me to the city. They usually went to Benjamin Hartley's and I to Matthias Aspden's.

The general run of sea-faring men differed with independence. They allowed it would be an obstruction to their business. Matthias approved of the measure of standing against British usurpation, but differed with independence. It was said he went off to St. Kitts with all his shipping, in the fall of '76, or spring of '77. I never saw him since. I moved from Chester up to Centre county in 1798.

There was a talk about confiscating his property after he went away. My father was very vexed, and talked about it a great deal, and said they could not do it, because he did not rise against the country, and approved of the measures in standing out against the British. Before independence was declared, I saw him buy a sword in a shop in Market-street. At the same time and place, Thomas Mifflin and Richard Thomas also purchased swords for themselves.

I was acquainted with Matthias Aspden from the time I was six years old, till he left the country, at the declaration of independence. I was then about twenty-two years of age. He was some years older than myself, but cannot say how many.

To the *tenth* interrogatory, this deponent saith:—At the time that I have mentioned, that Arthur Howell, Thomas Mifflin, and others, and myself, were with him viewing the new jail, near Pottsfield,I heard Thomas Mifflin ask Matthias what relation Job (meaning myself) was to him? His answer was, that Job's father was the first nearest relation he had on his mother's side. My father and Matthias Aspden were first cousins His mother died about the same time my grandfather Philip Packer died, but cannot say how long before or after; it might be two or three years either way. I never heard Matthias say to whom his property would go upon his death; but I have often heard my father and mother say to whom it would go.

To the *eleventh* interrogatory this deponent saith: From my own knowledge, and from information received from Henry Nixon, the executor, I am certain that he is the same person.

To the *twelfth* interrogatory this deponent saith: I did know of Packers in the Jersey, as I have before stated. They were not the children of my grandfather Philip Packer. They were not the children of my great grandfather Philip Packer, that I know of, or ever heard any one tell of.

To the *thirteenth* interrogatory this deponent saith:—The names of my

John, James, Aaron, Elizabeth, Rose. (who was my mother,) Lydia, George. There was another married Christian Hildebrandt—don't remember her name. They all lived in East Caln, Chester county; but many of them moved off to diffierent places. Moses Mendenhall, I think, a son of either John or James, moved off to the Carolinas; came back again to East Caln, and lives, as I understand, now in East Whiteland. My grandfather and grandmother abovementioned, lived and died in East Caln, in the house where I was bred and born. I cannot say how old either of them were when they died. They were neither of them twice married. My grandmother was a preacher in the Society of Friends. My grandfather, Mendenhall, built the first flour mill, on Beaver creek, near where Downingtown now stands. He brought slate for the roof of his house from England. The last time that I was at East Caln meeting, John Hoops came to me and requested me to go home with him and see the place of my nativity; and he told me that the land turtles were every day seen in the meadow, that uncle James and John marked. When I saw them last they were between sixty and seventy years, and it must be above sixty-five years since I saw them last. My great grandfather's name, on the mother's side, was John Pearson. My great grandmother's name was Maris. They settled at Derby, below Philadelphia. I never heard the name of my great grandfather Mendenhall. There were by the two brothers, Aaron, my grandfather, and his brother Benjaman, that came to this country from England. Can't state any thing further as to his children. George Mendenhall, my mother's brother, married Mary Pimm, sister of Thomas and Richard Pimm, above Downington, and I often heard that uncle George was buried where Lancaster courthouse now stands. I could state the names of my grandfather Mendenhall's children, and some of his brother Benjamin's children, but I don't see any necessity in it.

To the cross-interrogatories accompanying the commission signed D. McGlaughlin. Solicitor for Edward Hartley, and also for Thomas Adams and Bersheba, his wife, in right of said Bersheba, the said deponent answers as follows:

To the first cross-interrogatories this deponent saith: Matthias Aspden's mother was first married to a Hartley, I think his name was Roger, but am not certain.

To the second cross interrogatory this deponent saith: she had a son named Roger Hartley, by her first husband, and several other children as I have before stated. When I knew him, he lived in Philadelphia, in Walnut street. The last I heard of him he was living at Mount Pleasant, in Ohio.

To the third cross-interrogatory this deponent saith: I know that there was a daughter of the first marriage named Bersheba. I knew her well. I think she married a man of the name of Zane, but I never heard tell of a son of the name of Edward. Ann and Bersheba both lived with Matthias Aspden, and often came with him to my father's. My impression is, that after the marriage of Bersheba, she lived with her husband in Lancaster county. I have not heard of them for a long time—upwards of twenty-five years ago.

To the fourth cross-interrogatory this deponent saith: I never heard of any daughter of Roger Hartley, by the mother of Matthias Aspden, being married to Thomas Adams. It could not have been so unless they were either Bersheba or Anne, for there were no other daughters of that marriage—at least I never heard or knew of any other. I understood that Roger Hartley, a son by that marriage, lived at Mount Pleasant, in Ohio. I don't know of any of the other children having lived in Ohio.

To the first cross-interrogatory he saith: I was born on the 27th day of March, 1754, at 7 o'clock, afternoon, as appears on record. I was born in the Great Valley, East Caln, Chester county. My present residence is in Muncy Township, Lycoming county, Pa., and has been so for about twelve years past. Before that I lived on Bald Eagle, Centre county.

To the second cross interrogatory he saith: My father belonged to the Society of Friends, and was married in East Caln, called Bradford Monthly Meeting. I cannot tell of what religious persuasion my grandfather Philip Packer was, but all his children, my uncles and aunts, belonged to the Society of Friends. My grandmother, Anne Coates, belonged to the society of Friends. I think I never knew my grandfather to be at meeting; he was a cripple, and could not ride a horseback. The place of his residence I have before stated.

To the third cross-interrogatory he saith: In all my answers to the interrogatories now put to me on this examination, I have answered from my own knowledge, and from information received from my father nnd mother, grandfather and grandmother, and other members of our frmily, and others long before this suit.

To the fourth cross interrogatory he saith: As to his stature, he was taller than myself. I was five feet eight inches, perhaps he was five feet nine or ten. He was not corpulent, nor very slender. He had dark hair, and a complexion rather swarthy—rather a longish visage. His house was in Front street, between Market and Arch, on the side next the river. As to all the other parts of this interrogatory, I have before answered them as fully as I can.

To the fifth cross-interrogatory he saith: I have before stated what I heard him say at the new jail near Pottersfield, to Thomas Mifflin Besides this, when he had been at my father's, after he had gone away, I have heard my father and mother still say, that when he died, him or his would fall heir to a large estate. They said, this was what Matthias told them. They always expected it, and looked for it; as the main spring of his wealth was his mother, Rebecca Packer; for I often heard them say that aunt Aspden joined her husband and sold off land on ground rent, or some way, to raise money to build a ship in Penrose's shipyard, and that they had not money enough to finish ahd freight her, but they got credit to finish her, and the first voyage she made she cleared herself: and they kept on building some time or years before Arbuckle built his row. The last conversation I had with my father on this subject was in the spring of 1804, at his house on Bald Eagle. He said, I wonder what has become of Matthias Aspden? I told him I did not know; I had not heard any thing of him for several years. He said to me, Matthias promised, that when he died me or mine should fall heir to a large estate; all he had, as I was the nearest relation he had.

To the sixth interrogatory he saith:—I have no interest in this suit. In May, 1830, I made an assignment in writing of all my interest and claim in the estate of Matthias Aspden, to my nephew, Wm. F. Packer, of Williamsport, in this county, without any reservation or condition whatsoever. If justice is done, I do believe that some of my family connexions expect to gain by the event of this suit. My nephew, Wm. F. Packer, being one of them. I have not contributed any thing towards the expenses of carrying on this suit, and have no promise, neither direct nor indirect, to receive any remuneration or return in case of success.

JOB PACKER.

Taken, affirmed and subscribed according to law, at Williamsport, in Lycoming county, Pennsylvania, on the 9th and 10th days of June, A. D. 1831. Before me,

WM. A. PETRIKIN, *Commissioner.*

To the Honorable Court, mentioned in the annexed Commission, directed to Asher Davison and myself, I do return, that the execution thereof appears by the deposition of Job Packer, taken before me as above set forth.

So Answers,

WM. A. PETRIKIN, *Commissioner.*

June 10, 1831.

In the case of Matthias Aspden's succession.

SAMUEL PACKER, complainant, *against* HENRY NIXON, executor of the will of Matthias Aspden, deceased, defendant. } Circuit Court, April session, 1828. No. 1. In equity.

To the honorable the Judges of the Circuit Court of the United States for the Eastern District of Pennsylvania:

I respectfully report that, in pursuance of the order of the court made on the fourteenth day of May last, by which it was referred to me to take the depositions of such witnesses as should be brought before me by either or any of the parties, on ten days' notice, I caused such notice to be given to the solicitors of the several parties, of the time and place fixed upon for taking depositions, and have been attended by the counsel of John Aspden, by the counsel of the heirs of Mrs. Mary White, by the counsel of John Zane and Isaac Zane, by the counsel of Joseph Lippincott, Leah Pritchett, Martha Cole, Lydia Blackwood, Maria Hays, John Hammett, Keturah Schenck, Stacy Kirkbride, in right of his wife Sarah, (children and grandchildren of Joseph Hammett, deceased,) by the counsel of the heirs of William Henchman, excepting Joseph Henchman,) and the children of ——— Zane, and by the counsel of Mary Church, Joseph P. Horner, Mary Evans, John West, Samuel Nevins, and the children of Dexter and Harriet Stone.

In pursuance of which authority, I did, on the second day of September last, take the deposition of Thomas Redman, which is annexed to this, my report. (Marked A.)

The said Thomas Redman produced and testified to a certain deed executed by Matthias Aspden, of the city of Philadelphia, in the province of Pennsylvania, merchant, and bearing date the twenty-first day of February, in the year of our Lord one thousand seven hundred and seventy-five, a true copy of which deed is annexed to this, my report. (Marked B.)

The said Thomas Redman also produced and testified to certain articles of agreement executed by the said Matthias Aspden, and bearing date the said twenty-first day of February, Anno Domini one thousand seven hundred and seventy-five, a true copy of which is also annexed to this, my report. (Marked C.)

The counsel for the heirs of Mrs. Mary White and others also gave in evidence before me an exemplification of an act of the General Assembly of the Commonwealth of Pennsylvania, passed on the 31st day of March, in the year of our Lord one thousand seven hundred and eighty, entitled "An

act to prevent the attainder of Daniel Rundle and Matthias Aspden for a limited time, on condition that they render themselves to take their trial on or before a certain day therein limited and appointed," certified under the great seal of the State of Pennsylvania; which is also annexed to this, my report. (Marked D.)

All which is respectfully submitted.

T. I. WHARTON, Master.

PHILADELPHIA, *October* 2, 1833.

A.

Depositions of witnesses produced, sworn or affirmed, and examined in a certain cause depending in the circuit court of the United States for the eastern district of Pennsylvania, wherein Samuel Packer is complainant, and Henry Nixon, executor of the will of Matthias Aspden, deceased, is defendant, before Thomas I. Wharton, a master of said court, at his office in the city of Philadelphia, on Wednesday, the 25th day of September, A. D. 1833, in pursuance of an order of said court, made on the 14th day of May, A. D. 1833.

Thomas Redman, of Haddonfield, in the State of New Jersey, storekeeper, aged about fifty years, being duly affirmed on the part of certain of the defendants, deposes as follows:

A paper purporting to be an assignment of rents of the real estate of Matthias Aspden, in Haddonfield, New Jersey, being exhibited to the witness, he says, I knew Samuel Kenard well, who is one of the subscribing witnesses to this instrument. He is dead, and has been dead about thirty years. The other witness, Edward Close, I did not know personally, but believe that he was the clerk of the scrivener, Peter Thomson. I do not know whether Edward Close is alive or dead. The Peter Thomson of whom I have spoken is deceased; he was father of the present Peter Thomson, scrivener. I own now part of the property in Haddonfield which belonged to Matthias Aspden. My father purchased from Matthias Aspden all his real estate in Haddonfield. The assignment of rents which has been exhibited to me, and a deed now produced to me, dated the twenty-first day of February, 1775, from Matthias Aspden to Thomas Redman, my father, were found among the papers of my said father. Possession has been holden under that title ever since, by my father in his life time, and by his descendants since. I do not know that Matthias Aspden owned any other real estate in New Jersey than that mentioned in these instruments.

THOS. REDMAN.

Deposition taken, reduced to writing, and by the witness subscribed and affirmed to, this 25th day of September, A. D. 1833.

Before me: T. I. WHARTON, Master.

B.

This indenture, made the twenty-first day of February, in the year of our Lord one thousand seven hundred and seventy-five, between Matthias Aspden, of the city of Philadelphia, in the province of Pennsylvania, merchant, (eldest and only son and heir at law of Matthias Aspden, late of the said

city, merchant, deceased, and also one of the executors and a devisee named in the testament and last will of the said Matthias Aspden, the father, deceased,) of the one part, and Thomas Redman, of the town of Haddonfield, in the county of Gloucester, and western division of the province of New Jersey, shopkeeper, of the other part; witnesseth, that the said Matthias Aspden, party hereto, for and in consideration of the sum of seven hundred pounds lawful proclamation money of New Jersey, unto him in hand well and truly paid by the said Thomas Redman, at or before the sealing and delivery hereof, the receipt whereof he the said Matthias Aspden doth hereby acknowledge, and thereof doth acquit, and forever discharge the said Thomas Redman, his heirs, executors, administrators, and assigns, and every of them, by these presents, hath granted, bargained, sold, aliened, enfeoffed, released, and confirmed, and by these presents, he, the said Matthias Aspden party hereto, doth grant, bargain, sell, alien, enfeoff, release, and confirm unto the said Thomas Redman, his heirs and assigns, all those three brick messuages or tenements, and one wooden frame messuage or tenement and tract or piece of land, situate, lying and being in the town of Haddonfield, in the county of Gloucester, and western division of the province of New Jersey aforesaid, beginning at the most easterly corner of Matthias Aspden's house, and runs from thence, bounded up by the main street two hundred and fifty-eight feet and ten inches, to the corner of a lot late of Timothy Matlack, but now of John Giffin, for a second corner, and from thence it is bounded by the same, back from the street two hundred and thirty-one feet to another corner of the said Giffin's lot for a third corner; thence by the rear of the said Giffin's lot, parallel with the street, fifty nine feet to the said Griffin's corner, joining to the said Thomas Redman's lot for a fourth corner, and from thence it runs further back from the street, by the said Redman's lot, two hundred and sixty-four feet to a post for a fifth corner, and from thence it runs by the rear of said Redman's lot one hundred and ninety-eight feet or three chains to the corner of said Redman's lot for a sixth corner, which is likewise corner to a lot of ground late of Daniel Hilman but now of John Shivers, and from thence it runs by the bounds of said Shivers' lot, north fifty-one degrees twenty minutes west, eight chains and seventy links to a small sasafras in the line of land late of the widow Estaugh, but now of John Estaugh Hopkins, for a seventh corner, between a ditch and the bank; and from thence it is bounded by the said John Estaugh Hopkin's land, ditch, and bank, south thirty degrees west eleven chains and eighty-seven links to a post in a run of water for an eighth corner; thence up the said run south forty eight degrees east two chains and seventy-nine links to a corner of land late of Samuel Mickel for a ninth corner; thence by the said land late of Samuel Mickel, north sixty degrees east five chains and twenty-eight links to the most northerly corner of said land late of Samuel Mickel for a tenth corner; and from thence by the said land late of the said Samuel Mickel, south thirty degrees east four hundred and fifty feet ten inches to the corner of said Matthias Aspden's lot for an eleventh corner; thence by the rear of the same twelve feet and two inches to a twelfth corner; thence by the same one hundred and ten feet two inches to the corner first named, containing in all, ten acres, one rood, and thirty-seven perches, be the same more or less. Also another certain lot or piece of ground, situate on the northwest side of the Main street in Haddonfield aforesaid, containing in breadth, on the said street, twelve feet two inches, and in length or depth one hundred feet, bounded on the southwest by the

house and ground late of Samuel Mickel, on the northwest and northeast by the house and ground above described, and on the southeast by the said street. Also a certain other strip or piece of ground situate on the northwest side of the Main street in Haddonfield aforesaid, containing in breadth on the said street twenty-two inches, and in length or depth forty feet, bounded on the southwest and northwest by ground late of the said Samuel Mickel, on the northeast by the last described lot or piece of ground, and on the southeast by the Main street aforesaid. And also a certain other lot or piece of ground situate on the southeasterly side of the Main street in Haddonfield aforesaid, containing in breadth on the said street eighty-three feet, and in length or depth three hundred and sixty-eight feet, bounded on the northeast by ground late of Thomas Champion, deceased, on the southeast by ground late of Sarah Norris, deceased, on the southwest by ground late of Isaac Smith but now of Isaac Kay, and on the northwest by the Main street aforesaid, [which first described tract or piece of land, Timothy Matlack, of Haddonfield aforesaid, brewer, and Martha, his wife, by indenture bearing date the seventeenth day of February, in the year of our Lord one thousand seven hundred and forty-five-six, for the consideration therein mentioned, did grant and confirm unto the said Matthias Aspden, the father, in fee simple; and which second described lot or piece of ground, and part of the last described lot or piece of land, the said Timothy Matlack, and Martha his wife, by indenture bearing date the fourteenth day of October, in the year of our Lord one thousand seven hundred and forty-five, for the consideration therein mentioned, did grant and confirm unto the said Matthias Aspden, the father, in fee simple; and which strip or piece of ground, (being the third piece of ground above described,) Samuel Mickle, junior, of Haddonfield aforesaid, saddler, and Letitia his wife, by indenture bearing date the fourteenth day of October, in the year of our Lord one thousand seven hundred and forty-five, for the consideration therein mentioned, did grant and confirm unto the said Matthias Aspden, the father, in fee simple, and part of which last described lot or piece of ground, sixty-three feet by three hundred and sixty-eight feet, John Hinchman, of the township and county of Gloucester aforesaid, yeoman, by indenture bearing date the – – ——— day of ———, in the year of our Lord one thousand seven hundred and forty-eight, for the consideration therein mentioned, did grant and confirm unto the said Matthias Aspden, the father, in fee simple, who died seized of the premises and every part thereof, having first by his last will and testament in writing, bearing date the tenth day of August, in the year of our Lord one thousand seven hundred and sixty-four, and recorded in the register general's office in Philadelphia, devised the above described premises unto his son, the said Matthias Aspden, party hereto, his heirs and assigns forever.] Together also with all and singular other the buildings, improvements, streets, ways, waters, water-courses, lights, easements, rights, liberties, privileges, hereditaments, and appurtenances whatsoever, unto the said messauges or tenements, and lots or pieces of land, hereby granted respectively, belonging or in any wise appertaining, and the reversions, remainders, rents, issues, and profits of all and singular the premises, and also all the estate, right, title, interest, use, possession, property, claim, and demand whatsoever of him the said Matthias Aspden, party hereto, either in law or equity, or otherwise howsoever, of, into, or out of the hereby granted premises, and every part thereof. To have and to hold the aforesaid messauges or tenements, and described tracts, lots, and

pieces of land, hereditaments, and premises, hereby granted, bargained, and sold, or mentioned or intended so to be, with their and every of their appurtenances, unto the said Thomas Redman, his heirs and assigns, to and for the only proper use and behoof of the said Thomas Redman, his heirs and assigns forever. And the said Matthias Aspden, for himself, his heirs, executors, and administrators, doth covenant, promise, and grant to, and with the said Thomas Redman, his heirs and assigns, and every of them, by these presents, in manner following: that is to say, that he, the said Matthias Aspden now is, at the time of the ensealing and delivery hereof, is the true, lawful, and rightful owner of the aforesaid messuages or tenements, and described tracts, lots, and pieces of land, hereditaments, and premises above mentioned, and every part or parcel thereof, with the appurtenances, and also, that he, the said Matthias Aspden, now is lawfully and rightfully seized in his own right of a good, sure, perfect, absolute, and indefeasible estate of inheritance, in fee simple, of and in all and singular the premises aforesaid, with the appurtenances, without any manner of condition, mortgage, limitation of use and uses, or other matter, cause or thing to alter, defeat, change, charge, or determine the same, and that he, the said Matthias Aspden now hath good right, full power, and lawful authority in his own right to grant, bargain, sell, and convey the aforesaid messuages, or tenements and described tracts, lots, and pieces of land, hereditaments, and all and singular the premises above mentioned, with the appurtenances, unto the said Thomas Redman, his heirs and assigns, to and for the only proper use and behoof of the said Thomas Redman, his heirs and assigns forever, according to the true intent and meaning of these presents. And also that he, the said Thomas Redman, his heirs and assigns, shall and may at all times forever hereafter peaceably and quietly have, hold, use, occupy, possess, and enjoy all and singular, the said messuages, tracts, lots, and pieces of land above mentioned, with the appurtenances, without the let, suit, trouble, eviction, hindrance, molestation, interruption, or denial of him, the said Matthias Aspden, his heirs or assigns, and of all and every other person or persons whatsoever, lawfully claiming or to claim, by, from, or under the said Matthias Aspden, the father, deceased. And that he, the said Matthias Aspden, party hereto, and his heirs, the aforesaid messuages or tenements and described tracts, lots, and pieces of ground, hereditaments, and premises hereby granted, bargained, and sold, or mentioned or intended so to be, with the appurtenances, unto the said Thomas Redman, his heirs and assigns, against him, the said Matthias Aspden, party hereto, and his heirs, and against all and every other person or persons whomsoever, lawfully claiming or to claim, by, from, or under him, them, or any of them, or by, from, or under any of the former owners or possessors thereof, or any part thereof, shall and will warrant, and forever defend by these presents. And the said Matthias Aspden, party hereto, for himself, his heirs, executors, and administrators, doth covenant, promise, and grant, to and with the said Thomas Redman, his heirs and assigns, and every of them, by these presents, that he, the said Matthias Aspden, party hereto, and his heirs, and all and every other person and persons whomsoever, any thing having or lawfully claiming, or that shall or may so have or claim any estate, right, title, or interest of, in, or to the hereby granted premises, or any part thereof, by, from, or under him, or by, from, or under the said Timothy Matlack or Matthias Aspden, the father, both deceased, shall and will at any time or times hereafter, upon the reasonable request, and at the proper costs

and charges of the said Thomas Redman, his heirs or assigns, make, execute, and acknowledge, or cause so to be, all and every such further and other reasonable acts and acts, deed or deeds, device or devices in the law whatsoever, for the further and better assurance and confirmation of the said messuages or tenements, tracts, lots, and pieces of land, hereditaments, and premises, hereby granted, bargained, and sold, or mentioned, or intended so to be, with their and every of their appurtenances, unto the said Thomas Redman, his heirs and assigns forever, as by him or them, or by his or their counsel, learned in the law, shall be reasonably devised, advised, or required. In witness whereof, the said parties have interchangeably set their hands and seals hereunto, dated the day and year first above written.

MATTHIAS ASPDEN. [L. S.]

Sealed and delivered in the presence of us,
EDWARD CLOSE,
SAMUEL KENARD.

Received the day of the date of the above written indenture, of the above named Thomas Redman, the sum of seven hundred pounds, it being the full consideration money above mentioned. MATTHIAS ASPDEN.

Witnesses present at signing,
EDWARD CLOSE,
SAMUEL KENARD.

Be it remembered, that on the twenty-eighth day of December, Anno Domini, 1782, personally came before me, John Wilkins, esq. one of the judges of the county court for holding of pleas in and for the county of Gloucester, Samuel Kenard, esq. one of the within subscribing witnesses, who being one of the people called Quakers, upon his solemn affirmation saith, that he saw Matthias Aspden, the granter of the within indenture, sign, seal, and as his act and deed, deliver the same, for the uses and purposes therein contained; and that Edward Close, the other within subscribing witness, was also present, and subscribed his name thereunto, at same time Samuel Kenard. Affirmed and taken, the day and year aforesaid, before me,

JOHN WILKINS.

The foregoing is a true copy of the indenture referred to by Thomas Redman. T. I. WHARTON, *Master.*

C.

WHEREAS, Thomas Redman, of Haddonfield, in the county of Gloucester, in the province of New Jersey, shopkeeper, hath purchased of Matthias Aspden, of the city of Philadelphia, in the province of Pennsylvania, merchant, all his real estate in Haddonfield aforesaid, consisting of one house and lot in the tenure of Sarah Bispham from the seventh of April last, at the annual rent of eleven pounds. One other house and lot in the tenure of Thomas Smith from the twenty-fifth of July last, at the annual rent of ten pounds. And one other house and lot in the tenure of William Chew from the first day of May last, at the annual rent of eight pounds. And whereas it is agreed by and between the said Matthias Aspden and Thomas Redman, that he, the said Thomas Redman, shall receive and be entitled to all and every of the aforesaid rents from each and every of the days they com

menced from as aforesaid. Now know all menby these presents, that I, the said Matthias Aspden, for a valuable consideration to me in hand paid by the said Thomas Redman, have assigned, transferred and made over, and by these presents I,the said Matthias Aspden, do assign, transfer and make over unto the said Thomas Redman, his executors, administrators and assigns, all and singular the aforesaid rents now due, or hereafter to become due, by virtue of the several agreements made on my part with the several tenants aforesaid. In witness whereof, I have hereunto set my hand and seal, the twenty-first day of February, Anno Domoni one thousand seven hundred and seventy-five. 1775.

MATTHIAS ASPDEN. [L. S.]

Witnesses present,
EDWARD CLOSE,
SAMUEL KENARD.

1775. 3mo. 8. Received of William Chew in full of his rent £6 17*s* 10*d*.
1776. 5mo. 7. Received of Thomas Smith for one year's rent due the 25th of 7th month last, £10.

The foregoing is a true copy of the Deed Poll, referred to by Thomas Redman. T. I. WHARTON, *Master*.

D.

An act to prevent the attainder of Daniel Rundle and Matthias
[L. S.] Aspden for a limited time, on condition that they render themselves to take their trial, on or before a certain day therein limited and appointed.

WHEREAS, his excellency the President, and the honorable the Supreme Executive Council of this Commonwealth, by their proclamation, under the hand of the said President, and the seal of the State, bearing date the twenty-seventh day of July, in the year of our Lord one thousand seven hundred and eighty, by virtue of the powers and authorities to them given, in and by an act of General Assembly, entitled An act for the attainder of divers traitors, if they render not themselves by a certain day, and for vesting their estates in this Commonwealth, and for more effectually discovering the same, and for ascertaining and satisfying the lawful debts and claims thereupon, did charge and require, amongst others, Daniel Rundle ane Matthias Aspden, merchants, late of the city of Philadelphia, to render themselves to some or one of the Justices of the Supreme Court, or of the Justices of the Peace of one of the counties within this State, on or before the first day of April then next following, and also abide their legal trials respectively for high treason, on pain that they, and each of them not rendering themselves as aforesaid, and abiding the trial aforesaid, shall from and after the said first day of April, stand and be attained of high treason, to all intents and purposes, and shall suffer such pains and penalties, and undergo all such forfeitures as persons attained of high treason ought to do. And, whereas, it is now made appear, that the said Daniel Rundle and Matthias Aspden were, at the time of the said proclamation, and probably still are, in Europe, that their friends have used all lawful means in their power to convey intelligence to them of their being so proclaimed as aforesaid, but that there is very great reason to believe that the said intelligence never has reached them, and it being also shown that the said Daniel Rundle and Matthias Aspden were called to Europe

about their own private affairs, and it being alleged and insisted, that the said Daniel Rundle and Matthias Aspden will certainly render themselves up, and stand their trial for the matters alleged against them, if they can be indulged with time to a further day, and have notice of the proceedings here. Wherefore it has been prayed on their and each of their behalf, that the aid of the legislature may be interposed to stay their attainder, for that no other power is supposed to be competent to that end, which being just and reasonable:

Be it therefore enacted, and it is hereby enacted by the Representatives of the freemen of this Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That further time be given to the said Daniel Rundle and Matthias Aspden, and each of them, for rendering themselves respectively to one of the Justices of the Supreme Court, or of the Peace aforesaid, and abiding their trial aforesaid, for the term or space of nine months, to be computed from the day of passing this act.

And be it further enacted by the authority aforesaid, That the said Daniel Rundle and Matthias Aspden, or either of them so as aforesaid rendering himself to one of the Justices aforesaid, on or before the thirty-first day of December next, and abiding his trial aforesaid, he or they so rendering himself and abiding his trial, shall not become attainted, or suffer the penalties, or undergo the forfeitures of high treason, for or on account of his not rendering himself and abiding his trial, on or before the day limited and prefixed in and by the same proclamation, but that their and each of their attainders be stayed, and that he or they so rendering himself or themselves, on or before the day limited and appointed, and abiding his trial, according to the purport, true intent and meaning of this act, shall and may be and remain free and clear from all and every attainder and attainders, other than such as may ensue upon a full and plain trial, and the verdict of their country in due course of law, any thing in the afore recited act of attainder or proclamation in any wise notwithstanding.

Provided always, and be it further enacted by the authority aforesaid, That if the said Daniel Rundle and Matthias Aspden shall not render themselves respectively to some or one of the Justices of the Supreme Court or of the Justices of the Peace of one of the counties within this State, on or before the said thirty-first day of December, and also abide their legal trial for such treasons as may be alleged against them respectively, that then and from thenceforth, he or they so not rendering himself as aforesaid, or not abiding the trial aforesaid, shall stand and be adjudged, and by the authority of this present act, be convicted and attainted of high treason, to all intents and purposes whatsoever, and shall suffer and forfeit as a person attainted of high treason by law ought to suffer and forfeit, and that he or they so not rendering himself and abiding the trial aforesaid, his estate and effects shall in all things be dealt with, disposed of, regulated and conducted, according to the act herein before first recited, any thing herein contained to the contrary notwithstanding.

Enacted into a law at Philadelphia, on Saturday, the thirty-first day of March, in the year of our Lord one thousand seven hundred and eighty.

SAMUEL STERETT, Clerk of the General Assembly.

Signed by order of the House,

FREDK. A. MUHLENBERG, Speaker.

SECRETARY'S OFFICE.

HARRISBURG, *September* 13, 1833.

This is to certify that the foregoing is a true copy of the original law, on file and of record in this office.

Witness my hand seal,

SAML. M'KEAN.

Pennsylvania, *ss.*

In the name and by the authority of the Commonwealth of Pennsylvania. GEORGE WOLF, Governor of the said Commonwealth,

[L. S.]
GEO. WOLF.

To all to whom these presents shall come, sends greeting:

Know ye, that Samuel M'Kean, esquire, whose name is subscribed to the instrument of writing hereunto annexed, was at the time of subscribing the same, Secretary of, for and in, the said Commonwealth, duly appointed and commissioned; and full faith and credit ought to be given to his official acts accordingly.

Given under my hand and the great seal of the State, at Harrisburg, this thirteenth day of September, in the year of our Lord one thousand eight hundred and thirty-three, and of the Commonwealth, the fifty-eighth.

By the Governor.

SAML. M'KEAN, *Secretary of Commonwealth.*

UNITED STATES, DISTRICT OF PENNSYLVANIA, *sct.*

I certify the foregoing to be a true and faithful transcript of the record and proceedings of the circuit court of the United States in and for the district of Pennsylvania in the third circuit, in a certain cause in equity therein lately depending between Samuel Parker, a citizen of the State of New Jersey, complainant, and Henry Nixon, esquire, a citizen of the State of Pennsylvania, executor of the testament and last will of Matthias Aspden, esquire, late a citizen of the same State, defendant.

In testimony whereof, I have hereunto subscribed my name, and affixed the seal of said court at Philadelphia, this twenty-third day of January, A. D. 1834, and in the fifty-eighth year of the independence of the said United States.

[L. S.]

FR. HOPKINSON, *Clerk Cir. Ct.*